

No. _____

In the Supreme Court of the United States

CHAKA LECHAR CASTRO,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

*On Petition for Writ of Certiorari
To the United States Court of Appeals
for the Sixth Circuit*

APPENDIX TO THE
PETITION FOR WRIT OF CERTIORARI

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DATED: January 7, 2021

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APPENDIX A

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff/Appellee,

vs.

Court of Appeals Case No. 19-2300
Originating Case No. 2:15-cr-20200-1

CHAKA LeCHAR CASTRO (D-1),

Defendant/Appellant.

OPINION

823 Fed.Appx. 375

This case was not selected for publication in West's Federal Reporter.

See Fed. Rule of Appellate Procedure 32.1 generally governing citation of judicial decisions issued on or after Jan. 1, 2007. See also U.S.Ct. of App. 6th Cir. Rule 32.1.

United States Court of Appeals, Sixth Circuit.

UNITED STATES of America,
Plaintiff-Appellant,

v.

Chaka Lechar CASTRO,
Defendant-Appellant.

Case No. 19-2300

August 11, 2020

Synopsis

Background: Defendant was charged in connection with home invasion robberies with violating the Racketeering Influenced and Corrupt Organizations Act, four counts of assault with a deadly weapon in aid of racketeering, and four counts of using a firearm in connection with a crime of violence. The United States District Court for the Eastern District of Michigan, Laurie J. Michelson, J., 2017 WL 1967501, granted in part defendant's motion to suppress evidence taken from phones. Government appealed. The Court of Appeals, 881 F.3d 961, reversed and remanded. On remand, the jury convicted defendant on all nine counts, and the District Court imposed a hate-crime adjustment and sentenced her to 444-months' imprisonment. Defendant appealed.

Holdings: The Court of Appeals held that:

evidence was sufficient to find defendant had advance knowledge firearms would be used in connection with home invasions, as would support convictions for aiding and abetting using a firearm in connection with a crime of violence, and

any error in applying hate-crime enhancement was harmless.

Affirmed.

*376 ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN

BEFORE: SUTTON, KETHLEDGE, and LARSEN,
Circuit Judges.

Opinion

PER CURIAM.

Chaka Castro organized a series of armed invasions into the homes of Indian and Chinese families. In the last appeal, we held that the evidence taken from Castro's phones was fair game at trial. 881 F.3d 961 (6th Cir. 2018). On remand, a jury found Castro guilty on all nine counts before it. The jury also found that she chose at least one of her victims based on race, prompting the court to apply a hate-crime enhancement. Castro claims that the evidence doesn't support the verdict and the hate-crime enhancement doesn't apply. We affirm.

*377 Over a three-day period in November 2014, a spate of robberies occurred in Ann Arbor. The crimes fit a pattern. The robbers broke into the home, rounded up the occupants at gunpoint, and bound them with duct tape. Then they searched the home for jewelry and cash, taking what they found. Each house was home to persons of Indian or Chinese descent.

Similar robberies hit "twenty something" homes in New Jersey, New York, Georgia, Michigan, and Texas. R. 378 at 71. The other home invasions followed the pattern of the Ann Arbor robberies in how they happened and who the victims were.

On December 7, police interrupted a similar robbery attempt in Dallas. The robbers fled on foot. Later that day, police arrested Juan Fernando Olaya after finding him in a stolen vehicle with a suspected accomplice. The police inventoried the vehicle's contents and took custody of a cell phone, which contained potentially incriminating evidence. 881 F.3d at 963–64.

Although Castro was not present at the robberies, Texas officers came to suspect that she organized them. The officers followed a signal coming from a stolen cell phone to a house where Castro lived. They watched the home, searched it twice, and found a notebook that contained several pages of addresses, many of which had been

robbed. Officers also received warrants for, and searched, two of Castro's cell phones. The cell-phone searches uncovered incriminating messages between Castro and Olaya as well as pictures of stolen jewelry.

The federal government charged Castro with violating the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1962(d), four counts of assault with a deadly weapon in aid of racketeering, *id.* § 1959(a)(3), and four counts of using a firearm in connection with a crime of violence, *id.* § 924(c). After our court concluded that the cell-phone evidence was admissible, the case proceeded to trial. The jury convicted her on all nine counts. At sentencing, the district court imposed a hate-crime adjustment and sentenced Castro to a 444-month prison term, with 336 months coming from the statutory minimum on the firearms offenses.

Castro first challenges the sufficiency of the evidence to support her firearms convictions. That calls us to examine “the evidence in the light most favorable to the prosecution,” asking whether “any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.” *Jackson v. Virginia*, 443 U.S. 307, 319, 99 S.Ct. 2781, 61 L.Ed.2d 560 (1979).

The firearms statute applies to “any person who, during and in relation to any crime of violence ... , uses or carries a firearm, or who, in furtherance of any such crime, possesses a firearm.” 18 U.S.C. § 924(c)(1)(a). The government charged Castro with aiding and abetting a violation of the statute because she organized the armed home invasions. *See id.* § 2(a).

Rosemond v. United States, 572 U.S. 65, 134 S.Ct. 1240, 188 L.Ed.2d 248 (2014), spells out the proof needed for the intent element of aiding and abetting. “[I]ntent must go to the specific and entire crime charged”—“the full scope (predicate crime plus gun use) of § 924(c).” *Id.* at 76, 134 S.Ct. 1240. An accomplice thus must have “advance knowledge” that a firearm will be used in connection with the underlying crime because she must “cho[ose] ... to align [her]self with the illegal scheme in its entirety—including its use of a firearm.” *Id.* at 78, 134 S.Ct. 1240. As usual, “knowledge can be inferred from circumstantial evidence.” *Staples v. United States*, 511 U.S. 600, 615 n.11, 114 S.Ct. 1793, 128 L.Ed.2d 608 (1994). “[I]f a defendant continues to participate in a crime after a gun *378 was displayed or used by a confederate,” the Supreme Court has explained, “the jury can permissibly infer from his failure to object or withdraw that he had such knowledge.” *Rosemond*, 572 U.S. at 78 & n.9, 134 S.Ct. 1240.

The incriminating light cast by Castro's serial home invasions allowed the jury to infer that she had advance knowledge firearms would be used in connection with the robberies that happened in November 2014. To start, Castro organized a similar series of home invasions in 2011. When police nabbed the robbers, she posted on Facebook that all eight members of her 2011 crew had been charged with “[a]rmed robbery,” R. 381 at 118, showing she knew that firearms played a role in the robberies she organized. In addition, in August 2014, Olaya sent her a picture of stolen jewelry, which included the view of a semi-automatic pistol. On top of all that, after the September and October robberies in New York and New Jersey, Castro kept the crew honest about what it stole by accessing police reports on the crimes. These reports typically contained information about the robbers' use of firearms. All in all, because the November 2014 home invasions followed a similar pattern to the earlier ones, the jury could infer that Castro knew they would involve firearms too. That suffices to support the firearms convictions. *United States v. Gooch*, 850 F.3d 285, 289 (6th Cir. 2017); *see Rosemond*, 572 U.S. at 78 & n.9, 134 S.Ct. 1240.

Castro insists that there was no direct evidence that she knew that firearms would be used. True enough. “But,” as noted, “knowledge can be inferred from circumstantial evidence.” *Staples*, 511 U.S. at 615 n.11, 114 S.Ct. 1793. And there was plenty of that here based on the earlier home invasions.

She also takes issue with the government's reliance on the photograph with the gun in it, noting that the gun is too hard to see to allow the jury to infer anything from it. This was a fact question for the jury to resolve. It saw the evidence, and it heard this exact argument at closing. But it still found Castro guilty. That was the jury's call to make, particularly in light of all the other evidence supporting the verdict.

She also questions the government's (and our) reliance on *Gooch*, 850 F.3d 285, claiming the decision is distinguishable. There we said that “participation in the two prior armed robberies with most of the same codefendants is strong circumstantial evidence that [the defendant] was aware of the group's modus operandi of using firearms in the commission of robberies.” *Id.* at 289. Even so, she points out, the 2011 and 2014 crews involved different team members, and (unlike *Gooch*) she never witnessed her codefendants use a firearm. But what mattered in *Gooch* was that the crew followed a pattern of using firearms and *Gooch* had reason to know about this pattern. Just so here. Castro organized dozens of robberies involving guns and had a habit of keeping a close eye on

the robbers, whom she suspected of stealing from her. That's reason enough to think that she was aware of her crew's pattern of using guns in the robberies.

She adds that, according to some testimony, the robbers never discussed the reason for carrying firearms among themselves. She believes that their silence about firearms undermines the theory that their use was reasonably foreseeable. But the argument backfires because the same conspirator who testified that no one told him why he needed to carry a firearm explained to the jury that the reason for having one was to ensure that occupants would cooperate. That he made this connection on his own buttresses rather than undermines the jury's finding that the use *379 of the firearms was reasonably foreseeable.

Castro also challenges the court's application of the "Hate Crime Motivation" adjustment. The adjustment applies when the jury "determines beyond a reasonable doubt that the defendant intentionally selected any victim or any property as the object of the offense of conviction because of the actual or perceived race, color, religion, national origin, ethnicity, gender, gender identity, disability, or sexual orientation of any person." U.S.S.G. § 3A1.1(a).

But any error on this issue could not have changed Castro's guidelines range. Even without the three-point addition, Castro's total offense level would have been 39. With her criminal history category (IV), an offense level of 39 would have triggered an identical guidelines range to the one that she received: 360 months to life imprisonment. Because the three-point addition made no difference to her guidelines range, any supposed error would have been harmless error. *See United States v. Charles*, 138 F.3d 257, 268 (6th Cir. 1998); *see also United States v. Mitchell*, 295 F. App'x 799, 803 (6th Cir. 2008). Castro has no response to the point, and indeed she offered no response to the government's harmless-error argument in her reply brief on appeal.

We affirm.

All Citations

823 Fed.Appx. 375

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APPENDIX B

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CASE NO. 15-cr-20200
HON. LAURIE J. MICHELSON

CHAKA LeCHAR CASTRO, D-1,

Defendant.

JUDGMENT

2019 WL 6329222 (E.D.Mich.) (Trial Order)
United States District Court, E.D. Michigan.

UNITED STATES OF AMERICA,
v.
Chaka LeChar CASTRO.

No. 0645 2:15CR20200 (1).
October 31, 2019.

Judgment in a Criminal Case

James C. Thomas, for defendant's.

Honorable Laurie J. Michelson, United State District Judge.

*1 USM Number: 50916-039

THE DEFENDANT:

☐ pleaded guilty to count(s)

☐ pleaded nolo contendere to count(s) which was
accepted by the court

☐ was found guilty on count(s) after a plea of not
guilty

**Counts 1, 2, 3, 4, 5, 6, 7, 8, Indictment and 9 of
the Second Superseding**

The defendant is adjudicated guilty of these offenses:

<i>Title & Section / Nature of Offense</i>	<i>Offense Ended</i>	<i>Count</i>
18 U.S.C. § 1962 (d) 18 U.S.C. § 1963(a), RICO Conspiracy	12/11/2014	1
18 U.S.C. §§ 1959(a)(3), Assault with a Dangerous Weapon in Aid of Racketeering	11/26/2014	2, 4, 6, 8
18 U.S.C. § 924 (c) and 18 U.S.C. § 924(c)(1)(A)(ii) Use and Carry of a Firearm During, and in Relation to, a	11/26/2014	3, 5, 7, 9

Crime of Violence

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s)

☒ Count(s) 1, 2, 3, 4, 5, 6, 7, 8, & 9 of the Indictment and Counts 1s, 2s, 3s, 4s, 5s, 6s, 7s, 8s, 9s of the Superseding Indictment ☒ are dismissed.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

10/28/2019

Date of Imposition of Judgment

s/Laurie J. Michelson

Signature of Judge

The Honorable Laurie J. Michelson

United State District Judge

Name and Title of Judge

10/31/2019

Date

Appendix not available.

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APPENDIX C

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CASE NO. 15-cr-20200
HON. LAURIE J. MICHELSON

CHAKA LeCHAR CASTRO, D-1,

Defendant.

TRANSCRIPT OF ORAL RULE 29 MOTION
ECF No. 382, PageID.5608; 5737-51

Jury Trial
Friday, May 31, 2019

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<u>Number</u>	<u>Description</u>	<u>Id'd</u>	<u>Rcvd</u>	<u>Vol.</u>
8B125	Photograph and WhatsApp Contact Information for Chsca	88		15
8B124	Photograph	117		15
8B	Photos from Esparza Search Warrant	125		15

Argument By Mr. Thomas
Friday/May 31, 2019

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1 MS. SHELVEY: Your Honor, the Government rests.

2 THE COURT: All right. Thank you. Our timing was
3 not great here, but I do need to take another break, and we're
4 going to send you back to the jury room for a few minutes. I
5 know that we have jurors that need to end at one o'clock today.
6 So, I do anticipate calling you back into the courtroom before
7 1:00 p.m. Please, do not discuss the case during the break.

8 (Jury out at 12:31 p.m.)

9 THE COURT: All right. You may be seated.
10 Mr. Thomas, any motion?

11 Rule 29 Motion

12 ARGUMENT BY MR. THOMAS

13 MR. THOMAS: Your Honor, I'm going to make a Rule 29
14 motion. I'm going to argue to The Court that the charges as
15 stated, even in the light most favorable to the Government do
16 not make out an offense relating to racketeering, conspiracy.
17 The substantive counts relating to the firearm as well as the
18 aiding and abetting counts regarding the firearms.

19 I recognize that the standard is that it has to be
20 considered in the light most favorable to the Government. This
21 motion is meant to preserve defendant's right to challenge the
22 factual allegations that have been proved in this case or shown
23 in this case.

24 THE COURT: All right. Thank you.

25 Ms. Shelvey, Ms. Lipman, any response?

1 **RESPONSE BY MS. SHELVEY**

2 **MS. SHELVEY:** Your Honor, just briefly. In the
3 standard of the light most favorable to the Government, the
4 Government would submit that there is ample evidence to support
5 all nine counts against the defendant and would ask The Court
6 to deny counsel's motion.

7 **THE COURT:** On the VICAR Counts, can those be proven
8 by Pinkerton or only aiding and abetting?

9 **MS. SHELVEY:** They can be proven by Pinkerton, Your
10 Honor.

11 **THE COURT:** All right. And then --

12 **MS. SHELVEY:** Only the RICO cannot be proven by
13 Pinkerton.

14 **THE COURT:** All right. And on Exhibit 287E19.

15 **MS. SHELVEY:** If I could ask Ms. Lipman to pull that
16 up.

17 **THE COURT:** Yes, if you could pull that up, please.
18 Ms. Shelvey, can you tell me, what are the photographs of the
19 three referenced attachments? At least one is jewelry.

20 **MS. SHELVEY:** Yes, Your Honor, if I could look at the
21 Power Point, because I know that's probably quicker. I think
22 that's all encompassed in Power Point 290. If she can go to
23 the very next, Your Honor, the next picture. The next
24 photograph.

25 **MR. THOMAS:** 287E19.

Response By Ms. Shelvey
Friday/May 31, 2019

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1 THE COURT: E19, yes. I'd like to know what the
2 three attachments are photographs of. More specifically, I'd
3 like to know if any of them have an image of a firearm?

4 MS. SHELVEY: Yes, Your Honor.

5 MS. LIPMAN: Would you like me to enlarge that?

6 MS. SHELVEY: Yes, Your Honor, it's much clearer from
7 this, because the lights were glaring on mine. But you can
8 actually see the firearm as well the magazine, a bullet in the
9 magazine and --

10 THE COURT: And on Exhibit 287E19, what JPEG is this
11 photograph a reference to?

12 MS. LIPMAN: 287E21, it is -- I think we need to go
13 back and check that, Your Honor. I also have that from
14 Exhibit 7, which is an extraction done from one of the
15 defendant's phones, if Your Honor would like me to pull that
16 up?

17 THE COURT: Yes, please.

18 MS. LIPMAN: Your Honor, this is not quite as clear.
19 That's from the extraction specifically of the defendant's
20 phone, 7AA.4.

21 THE COURT: 7A.4?

22 MS. SHELVEY: AA.4, Your Honor.

23 THE COURT: So, Exhibit 287E19 is from Olaya's phone,
24 it goes to -- it's sent to the number associated with the Chsca
25 phone?

1 **MS. SHELVEY:** Yes. Your Honor, I think if we start
2 going piece by piece, Government Exhibit 7 is the phone that
3 the defendant had in her possession the day she was arrested.
4 That's the one she unlocked for law enforcement. That's the
5 pink phone. It is not the HTC. This photograph appeared on
6 that pink phone when law enforcement did the extraction. This
7 same photograph --

8 **THE COURT:** Well, the photograph you're referring to
9 is 287E21?

10 **MS. SHELVEY:** Correct. We can pull it up.

11 **THE COURT:** The photo at 287E21 is found on
12 Exhibit 7, found in the phone associated with Ms. Castro?

13 **MS. SHELVEY:** Correct. The 8B is the actual picture
14 taking that Detective Esparza did with the search warrant
15 before they did the full forensic extractions. He went through
16 and took the pictures of them. So, the 8B photograph that's
17 depicted is a copy of a message sent from the Juan Olaya phone
18 to the phone number -8161. That -8161 phone number is
19 associated with the defendant that has her picture next to it.
20 The 287 is actually the forensic report done of the Juan Olaya
21 phone.

22 So, in this situation, this photograph, we had it both
23 ways, we had it on the phone from the sender, and we have it on
24 the phone of the receiver.

25 **THE COURT:** I just -- and maybe we have to do it that

1 more complicated way, which is fine. I just wanted to know if
2 there's a way to tell 287E19, the forensic report, indicates
3 that three images were sent to the phone associated with the
4 Chsca phone, and they're labeled, each JPEG has a label, one of
5 the photos, I think, you could connect to a photograph of
6 jewelry. Then there are two other photographs. It appears
7 that one of these JPEG references in 287E19 is the photograph
8 at 287E21.

9 MS. SHELVEY: Yes.

10 THE COURT: And I'm just wondering if there's a way
11 to make that connection or to know which JPEG goes with E21.
12 There's WA0016.jpeg, WA0014.jpeg, WA0018.jpeg.

13 MS. SHELVEY: Your Honor, we could, if the Court
14 wants to, this is the way that it was done for purposes of
15 presentation. The agent clicked on each one and then put the
16 picture. We have the actual extraction, if The Court wants to
17 see it.

18 THE COURT: All right. So, when the agent clicked on
19 each one, what you clicked on, does that have an exhibit label?

20 MS. LIPMAN: It's that, Your Honor, they were put
21 together subsequently, so, I would assume, but I do not know
22 for certain which one. And that is certainly the order -- the
23 order that they are listed is the order of the three
24 photographs that are behind that. I would assume it is in
25 order. I do not know that, without looking at the entire

1 extraction.

2 THE COURT: But you believe one of these is 287E21?

3 MS. LIPMAN: Absolutely, Your Honor.

4 THE COURT: All right, okay.

5 MS. SHELVEY: Based on that, Your Honor, I believe it
6 to be IMG-20140818, which would be August 18th, 2014,
7 -WA0014.jpeg. This is the order in which they appeared printed
8 off.

9 I think -- Your Honor, Special Agent Taube is pulling
10 it up to show The Court, if you want to see the JPEG number
11 from the actual extraction to make sure we're one hundred
12 percent correct.

13 MR. THOMAS: So, I don't want to muddle it up. I
14 agree about the extraction from Olaya, and that that extraction
15 then went to a phone number. They're identifying the phone
16 number as the phone number -8161, Chsca.

17 MS. SHELVEY: Yes.

18 MR. THOMAS: -8161, I believe, is not the pink phone
19 that she had in her possession, nor was it the white phone.
20 It's to a phone that you don't have. And you're identifying --

21 MS. SHELVEY: We have the extraction report.
22 Whatever phone --

23 THE COURT: All right. Well, I can probably short
24 change that, I think, because it sounds like, even if it isn't,
25 that same photograph is found on Exhibit 7 which is the pink

1 phone.

2 MR. THOMAS: Which Exhibit 7 is there, but that
3 photograph is much -- Exhibit 7 is obliterated in a way that I
4 can't see what's in that black area. But if we're ascribing it
5 to Chsca or a phone associated with Chsca, it's not the phone
6 that she had at the time that she was questioned and then later
7 arrested.

8 MS. SHELVEY: The picture that we're talking about is
9 on the phone that she was arrested with. It has to be, because
10 we have the extraction. That's how we had it --

11 THE COURT: But he's saying it's much blurrier on
12 that phone.

13 MR. THOMAS: It's much clearer on what you got from
14 Juan Olaya.

15 MS. SHELVEY: Oh, yes, if you had the physical phone
16 to do it with, it would be easier.

17 MR. THOMAS: But if you look at the one that they're
18 showing on Exhibit 7AA.4, that whole area on the right-hand
19 corner where this weapon is, which is the phone that
20 purportedly Chsca looked at, that doesn't have the ability to
21 identify what it is that they're saying is a weapon.

22 So, let's say that I sent something off into the
23 atmosphere and it doesn't come up clear on the phone that we
24 have, how is that notice to the defendant? Now, I recognize
25 that that's argument for me at closing, but you're considering

1 whether or not this one thing that identifies a phone to
2 anything -- I'm sorry, identifies a weapon to Chaka Castro,
3 this one thing is what now puts her with knowledge, which is
4 one of the elements that's going to be necessary for the gun
5 counts. Otherwise, all the evidence --

6 THE COURT: I understand the argument. Okay.

7 MS. SHELVEY: Does Your Honor want to hear argument
8 from the Government or you don't need to hear it? And on that
9 issue, at this point, Judge, what I have in my hand is the
10 original extraction, the 287, so it was extraction, was it 294?

11 MR. THOMAS: It was 287E19.

12 MS. SHELVEY: This shows, because you can click the
13 hyperlink and pull up the picture. So, I'm showing The Court
14 85, line 85, which is to number 404 -- for the record, this is
15 all contained in Exhibit 294F, which is the extraction.

16 Okay. So, it's (404) 436-8161, and next to it is
17 C-H-S-C-A. It's time stamped August 18th, 2014 at 2:46:37 a.m.,
18 UTC minus five. The second -- you'll see the connection being
19 hyperlinks for each of the three that The Court has the still
20 photograph of. If you press the middle one, which is again
21 20140818-WA0014.jpeg, and if I press that button, this
22 photograph comes up.

23 THE COURT: Okay. All right. That's what --

24 MR. THOMAS: And that is the extraction from
25 Juan Olaya's phone.

1 MS. SHELVEY: Correct.

2 MR. THOMAS: Now, the next question is, is how did
3 that get onto a phone that was with Castro at the time that she
4 was confronted and gave her consent. And I suggest that the
5 -3161 phone number is not the phone number that is attributed
6 to the pink.

7 MS. SHELVEY: It doesn't have to be, because the
8 -8161 that is associated with the Chsca WhatsApp account,
9 that's the phone number that you need to have the WhatsApp.
10 Just like Facebook, I could open it from any device here in the
11 courtroom using my information. WhatsApp is the same way. If
12 you have your user name and log-in, once you set up your
13 account with your phone number, you can access it from any
14 device.

15 MR. THOMAS: But we don't have that, because we don't
16 have the phone that it went to.

17 Ruling By The Court

18 THE COURT: One at a time. I let you argue. I had a
19 question during the argument. I understand the two sides'
20 position. I'm going to DENY the motion. I'm going to give
21 you-all reasoning at the end of the day. I want to, though,
22 deal with the jury now.

23 And so, Mr. Thomas, do you intend to put on any witnesses?

24 MR. THOMAS: Your Honor, I've consulted with my
25 client. She understands her Constitutional Right to present

1 evidence and to testify. She is going to waive that right on
2 the record knowing that her constitution provides that she can
3 do it.

4 **THE COURT:** All right. Thank you. So, Ms. Castro,
5 you were here during the jury selection when I advised the jury
6 that you have the right to take the witness stand or not, as
7 you choose. And you cannot be required to take the witness
8 stand and testify. Do you understand that Constitutional Right
9 that you have?

10 **THE DEFENDANT:** Yes, Ma'am.

11 **THE COURT:** And have you discussed this right with
12 Mr. Thomas and the issue of testifying or not testifying in
13 this trial?

14 **THE DEFENDANT:** Yes, Ma'am.

15 **THE COURT:** And do you believe you've had sufficient
16 time to discuss that issue with him?

17 **THE DEFENDANT:** Yes, Ma'am.

18 **THE COURT:** Do you believe you need any additional
19 time to discuss that issue with him?

20 **THE DEFENDANT:** That issue, no; but something else,
21 yes.

22 **MR. THOMAS:** Well, that's not what she's asking you. .

23 **THE COURT:** All right. In terms of whether you're
24 going to decide to testify or not testify, do you need
25 additional time to discuss that issue with him?

1 **THE DEFENDANT:** No, Ma'am.

2 **THE COURT:** And do you understand that the decision,
3 whether to testify or not to testify, is your decision to make,
4 it's not a decision that your lawyer can make for you?

5 **THE DEFENDANT:** Yes.

6 **THE COURT:** You understand that?

7 **THE DEFENDANT:** Yes, Ma'am.

8 **THE COURT:** And Mr. Thomas has indicated to me that
9 he has conferred with you on this issue and that you've made
10 the decision to waive your right to testify. So, have you made
11 the decision knowingly and voluntarily to not testify in this
12 case?

13 **THE DEFENDANT:** Yes, Ma'am.

14 **THE COURT:** All right. And I understand there are
15 some other issues that you wish to address with your lawyer,
16 and I'll certainly give you that opportunity. We are, though,
17 at a point where I believe I can bring the jury in and have the
18 parties rest fully their cases and then we can address whatever
19 additional issues that you may or that you may address with
20 Mr. Thomas. All right?

21 **THE DEFENDANT:** Thank you.

22 **THE COURT:** Anything further then before we bring the
23 jury back in? Ms. Shelvey?

24 **MS. SHELVEY:** No, Your Honor. Thank you.

25 **THE COURT:** And Mr. Thomas?

1 MR. THOMAS: No, Judge, except for I rest.

2 THE COURT: And I'll have you do that in front of the
3 jury. Okay, thank you.

4 MR. THOMAS: All right. Judge, before the jury comes
5 in, my client has asked me to --

6 THE COURT: Go tell Matt not to bring the back jury
7 in, please. Thank you.

8 Yes, Mr. Thomas.

9 MR. THOMAS: She's asked me to clarify this issue on
10 the record, and I think that I have to call back either one or
11 both of the witnesses to do that. But in order to do that,
12 I've got to consult with her. I don't know how to do that
13 within the time frame that The Court set for today's hearing.

14 MS. SHELVEY: I think we'd need an offer of proof as
15 to what, because the ability to cross examine has passed.

16 MR. THOMAS: Well, then I can call them as a witness
17 on my side and then not rest.

18 THE COURT: That's what I thought you were talking
19 about doing.

20 MR. THOMAS: Yeah, I am. That's what she's asking me
21 to do.

22 THE COURT: And who would be the witnesses?

23 MR. THOMAS: Well, I think it would be --

24 THE COURT: Well, we need to know, because they need
25 to be here.

1 **MR. THOMAS:** Well, he's here with his computer, so --

2 **THE COURT:** Agent Taube.

3 **MR. THOMAS:** Agent Taube. But I'm going to need a
4 moment to gather my thoughts about that cross examination and
5 consult with my client.

6 **MS. SHELVEY:** Well, it would be a direct examination
7 at that point.

8 **MR. THOMAS:** Yeah, direct.

9 **MS. SHELVEY:** Is it something that can be explained,
10 because I think -- I referred to something as WhatsApp that was
11 a text message when we were speaking just now, but it was
12 actually a text message on the phone, but I want to make sure
13 if it's something we can explain or maybe agree to.

14 **MR. THOMAS:** Well, I am going to make an offer of
15 proof. I don't believe that the information that was gleaned
16 from the cell phone that she was in possession of on the date
17 of December 7th, 2014, which has been described as a pink
18 phone, is -3161.

19 **THE COURT:** All right. Well, I'll let you confer
20 with Ms. Castro and you can decide whether you're going to put
21 on a witness in your case. I would expect it would be not a
22 lengthy examination on either side.

23 **MR. THOMAS:** Five minutes.

24 **THE COURT:** And I am going to tell the jury today
25 that they should plan to be here all day on Monday for

1 deliberations. And we can deal with this after. I'll just
2 tell you-all for planning purposes, on Monday, we'll have to
3 take a break from 1:00 to 2:00. So, wherever we are, I don't
4 like to split up the closing arguments, but it's just going to
5 depend on where we are. If we're finished by then, great. If
6 we're not finished, we will have to recess from 1:00 to 2:00.

7 MS. LIPMAN: I imagine we would be finished by then,
8 Your Honor.

9 THE COURT: All right.

10 MS. LIPMAN: However, of course, it depends upon how
11 long --

12 MR. THOMAS: I agree.

13 THE COURT: Yes, you've got to factor in, it's going
14 to take at least an hour to read the jury instructions, at
15 least, and probably longer. So, all right, then we'll give you
16 the weekend to do that, and we'll bring the jury back in and
17 excuse them for the day.

18 - - -
19 (Jury in at 12:57 p.m.)

20 THE COURT: All right. Thank you. You may be seated
21 briefly. Given the lateness in the day, we're going to recess
22 for the weekend. The Government has rested.

23 For planning purposes, I would ask that you-all plan to
24 now be here full days beginning on Monday. Again, as I
25 indicated, when you deliberate, we do go all day.

Ruling By ¹⁷⁹the Court, (Cont.)
Friday/May 31, 2019

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1 So, please do not discuss the case during the weekend
2 recess. Have a good weekend. We're going to start back here
3 at 8:30 on Monday, and we'll see you then. Take care.

4 (Jury out at 12:58 p.m.)

5 - - -

6 Ruling By the Court, (Cont.)

7 THE COURT: All right. You may be seated. Why don't
8 I deal first, before we deal with jury instructions and verdict
9 form, let me deal with the motion.

10 And as a threshold matter, at the beginning of the trial,
11 The Court conditionally admitted the hearsay statements subject
12 to later demonstration of their admissibility under United
13 States v. Vincent, 606 F.2d 149, 153, Sixth Circuit, 1979. To
14 admit the statements under Rule 801(d)(2)(e), the Government
15 must prove by a preponderance of the evidence, One, that a
16 conspiracy existed; Two, that the defendant against whom the
17 statement was offered was a member of the conspiracy; and,
18 Three, that the hearsay statement was made in the course and in
19 furtherance of the conspiracy. And that's Vincent at 152, also
20 Federal Rule of Evidence 801 (d)(2)(e).

21 The Government has met this burden of proof through at
22 least the testimony of the co-conspirators, victims of the home
23 invasions and law enforcement officers who investigated the
24 home invasions through the text messages and photos between the
25 co-conspirators, through the items retrieved from the

15-20200; United States of America v. D1: Chaka LeChar Castro

APPENDIX D

RELEVANT STATUTORY PROVISIONS

18 U.S.C. § 924 (c)

and

U.S.S.G. § 3A1.1

18 U.S.C. § 924

(c)(1)(A) Except to the extent that a greater minimum sentence is otherwise provided by this subsection or by any other provision of law, any person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime that provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which the person may be prosecuted in a court of the United States, uses or carries a firearm, or who, in furtherance of any such crime, possesses a firearm, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime—

- (i) be sentenced to a term of imprisonment of not less than 5 years;
- (ii) (ii) if the firearm is brandished, be sentenced to a term of imprisonment of not less than 7 years; and
- (iii) if the firearm is discharged, be sentenced to a term of imprisonment of not less than 10 years.

(B) If the firearm possessed by a person convicted of a violation of this subsection—

- (i) is a short-barreled rifle, short-barreled shotgun, or semiautomatic assault weapon, the person shall be sentenced to a term of imprisonment of not less than 10 years; or
- (ii) is a machinegun or a destructive device, or is equipped with a firearm silencer or firearm muffler, the person shall be sentenced to a term of imprisonment of not less than 30 years.

(C) In the case of a second or subsequent conviction under this subsection, the person shall—

- (i) be sentenced to a term of imprisonment of not less than 25 years; and
- (ii) if the firearm involved is a machinegun or a destructive device, or is equipped with a firearm silencer or firearm muffler, be sentenced to imprisonment for life.

(D) Notwithstanding any other provision of law—

- (i) a court shall not place on probation any person convicted of a violation of this subsection; and
- (ii) no term of imprisonment imposed on a person under this subsection shall run concurrently with any other term of imprisonment imposed on the person, including

18 U.S.C. § 924 (Continued)

any term of imprisonment imposed for the crime of violence or drug trafficking crime during which the firearm was used, carried, or possessed.

(2) For purposes of this subsection, the term “drug trafficking crime” means any felony punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or chapter 705 of title 46.

(3) For purposes of this subsection the term “crime of violence” means an offense that is a felony and— 166 Commission Report II, 364-65. The 18 U.S.C. 924(c) Tack-On in Cases Involving Drugs or Violence Congressional Research Service 24

(A) has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or

(B) that by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

(4) For purposes of this subsection, the term “brandish” means, with respect to a firearm, to display all or part of the firearm, or otherwise make the presence of the firearm known to another person, in order to intimidate that person, regardless of whether the firearm is directly visible to that person.

(5) Except to the extent that a greater minimum sentence is otherwise provided under this subsection, or by any other provision of law, any person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime that provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which the person may be prosecuted in a court of the United States, uses or carries armor piercing ammunition, or who, in furtherance of any such crime, possesses armor piercing ammunition, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime or conviction under this section—

(A) be sentenced to a term of imprisonment of not less than 15 years; and

(B) if death results from the use of such ammunition—

(i) if the killing is murder (as defined in section 1111), be punished by death or sentenced to a term of imprisonment for any term of years or for life; and

(ii) if the killing is manslaughter (as defined in section 1112), be punished as provided in section 1112.

U.S.S.G. § 3A1.1.

Hate Crime Motivation or Vulnerable Victim

- (a) If the finder of fact at trial or, in the case of a plea of guilty or nolo contendere, the court at sentencing determines beyond a reasonable doubt that the defendant intentionally selected any victim or any property as the object of the offense of conviction because of the actual or perceived race, color, religion, national origin, ethnicity, gender, gender identity, disability, or sexual orientation of any person, increase by 3 levels.
- (b) (1) If the defendant knew or should have known that a victim of the offense was a vulnerable victim, increase by 2 levels.

(2) If (A) subdivision (1) applies; and (B) the offense involved a large number of vulnerable victims, increase the offense level determined under subdivision (1) by 2 additional levels.
- (c) Special Instruction
 - (1) Subsection (a) shall not apply if an adjustment from §2H1.1(b)(1) applies.

APPENDIX E

TRIAL TESTIMONY

ECF No. 378;PageID.4902

²⁰⁴
OCTAVIUS SCOTT - Direct
Thursday/May 23, 2019

1 you were going to?

2 A. Um, they was sent to Juan's phone.

3 Q. Who were they sent by?

4 A. Chaka.

5 Q. And how do you know that?

6 A. The picture on the phone and previous conversations of me
7 knowing about addresses and going to Chaka's house for
8 addresses -- well, not for addresses, but to see how she get
9 the addresses.

10 Q. Okay. What about the guns, was there discussions about
11 carrying firearms when you were going into these properties?

12 A. It was just to bring it.

13 Q. And why, during the course of your involvement, were you
14 told to bring the guns?

15 A. It was never really talk but somewhat of a silent
16 understanding.

17 Q. Well, what was your understanding of why you were bringing
18 the gun into these houses?

19 A. If someone was to see a gun, they would be more
20 cooperative.

21 Q. Be what?

22 A. Cooperative.

23 Q. And what was the purpose of having the gun? How did it
24 help you?

25 A. When you have a gun, I guess you just say what you want

APPENDIX F

TRIAL TESTIMONY

ECF No. 378, PageID.4905-06

²⁰⁴
OCTAVIUS SCOTT - Direct
Thursday/May 23, 2019

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1 A. Yes.

2 Q. Now, I want to talk about the first robbery you committed.
3 Do you remember when that was in relation to you arriving in
4 Georgia?

5 A. Has to be, like, three, four days of us being in Georgia.

6 Q. Okay. What do you remember specifically about the
7 beginning of this, this first day?

8 A. It was more unorganized, us trying to bring it all
9 together. The first robbery wasn't a robbery because no one
10 stayed at the house. So, from then we were basically trying to
11 figure out how it all works.

12 Q. Now, before you went into this house, was there -- do you
13 remember a conversation between Juan and the defendant?

14 MR. THOMAS: Objection, foundation.

15 THE COURT: She asked if he remembers. We'll see if
16 he does.

17 THE WITNESS: Ah, not really.

18 BY MS. SHELVEY, CONTINUING:

19 Q. Would looking at anything refresh your recollection as to
20 whether or not there were conversations before entering this
21 first house?

22 A. Possibly.

23 Q. I'm going to show you, again, the March 19th. And I'm
24 referring to the fourth paragraph, please. I'm going to have
25 you read that small paragraph.

²⁰⁴
OCTAVIUS SCOTT - Direct
Thursday/May 23, 2019

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1 **MS. SHELVEY:** Counsel, I apologize, my Bates numbers
2 were cut off.

3 **BY MS. SHELVEY, CONTINUING:**

4 **Q.** Sir, looking at that, does that refresh your recollection
5 about anything that occurred prior to you going into the house
6 for the first time?

7 **A.** It's been awhile.

8 **Q.** Okay. Does that help you remember?

9 **A.** Not really.

10 **Q.** Okay. Now, did you, aside from wearing the black clothing
11 and the weapons, how were you planning on getting property from
12 the house? How were you going to carry it?

13 **A.** Just carry it to the vehicle.

14 **Q.** Just have it in your hands?

15 **A.** Correct -- oh, um, a bag.

16 **Q.** When you say, "A bag", do you remember what your bag
17 looked like?

18 **A.** It's, like, a Jordan backpack. Red, red and black.

19 **Q.** Was this Jordan backpack, this red and black backpack, did
20 you use this throughout that five-month period from August to
21 December?

22 **A.** Correct.

23 **Q.** I'm going to show you what's been marked as Government's
24 Exhibit 227. Sir, do you recognize this?

25 **A.** Yes.

APPENDIX G

JURY INSTRUCTION REGARDING HATE CRIME ENHANCEMENT

ECF No. 343, PageID.3173

COURT'S INSTRUCTION NO. 47

VERDICT FORM QUESTION (D) OF COUNT ONE

To answer yes to Question (D) associated with Count One on the verdict form, you must determine, beyond a reasonable doubt, that the defendant intentionally selected any victim as the object of the offense of conviction because of the actual or perceived race, national origin, or ethnicity of the victim. This requires you to find that the defendant would not have acted but for the victim's actual or perceived race, national origin, or ethnicity. However, selection on that basis does not need to be the sole but-for cause.

APPENDIX H

TRIAL TESTIMONY

ECF No. 382, PageID.5734–35

1 A. I don't have it memorized. To the best of my
2 recollection.

3 Q. Okay. And what is the message that is being sent to this
4 Antoinette Broussard?

5 A. "What's the name of some cities in Louisiana that got
6 Indians and chinks?"

7 Q. Go to the next message, please.

8 A. Do you want me just to read through this?

9 Q. Yes, please, and just say which Facebook name account is
10 speaking to who.

11 A. The Chaka Castro Mina account says: "I'm looking kind of
12 sexy.

13 The Antoinette Broussard account says: "Elton."

14 The Castro account says: "LOL." The Castro account says:
15 "LOL."

16 The Broussard account says: "LOL. I ain't mad at you."

17 The Castro account says: "How far is Elton from Houston?"

18 The Broussard account says: "Elton, Kinder, Oberlin, it's
19 by Kinder, about 10 miles from the casino." Broussard says:--

20 Q. If we can go down. Thank you.

21 A. "There is an Indian reserve in the back of Elton."

22 The Broussard account says: "About 3.5 hours"

23 The Castro account says: "No, not them kind of Indians.
24 I mean Pakistans." The Castro account says: "And Chinese."

25 The Broussard account says: "Oh, hell, I don't know about

SP. AGT. BRIAN TAUBE - Direct
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1 them. They all over, I guess."

2 The Castro account says: "Tell me some cities that are
3 low-key to make some money." The Castro account says --

4 **Q.** We can stop at that one. And what's the date on that?

5 **A.** That is August 9th, 2011.

6 **MS. SHELVEY:** I have nothing further, Your Honor.
7 Thank you.

8 **THE COURT:** All right. Thank you.

9 Mr. Thomas.

10 **MR. THOMAS:** Judge, I have no questions.

11 **THE COURT:** All right. Thank you. Thank you, Agent.
12 You may step down.

13 And Ms. Shelvey, you may call your next witness.

14 **MS. SHELVEY:** Your Honor, may I have a moment,
15 please?

16 **THE COURT:** Yes.

17 (A brief pause)

18 **MS. SHELVEY:** Your Honor, it is agreed and stipulated
19 between the undersigned counsel for the Government, and
20 undersigned counsel for the defendant, with the defendant's
21 expressed consent the following:

22 Exhibit 216, a 9mm Ruger, model P89 pistol, serial number
23 31583726; Exhibit 217, a .380 caliber Bursa Thunder pistol,
24 serial number E48387, are functional firearms within the
25 meaning of 18 United States Code, Section 924(c).

APPENDIX I

TRIAL TESTIMONY

ECF No. 379, PageID.5190-92
ECF No. 383, PageID.5802

1 Q. And what did you do with that possession once you got it?

2 A. So, on the 10th of December I completed search warrants
3 for those phones and upon receiving signatures on those search
4 warrants from a Judge in our area, I had completed a forensic
5 dump of the Samsung device and I had attempted to do so on the
6 HTC device, but was unable to, it was not compatible with our
7 device that conducts forensic dumps.

8 Q. So, when you say that, you mean you were able to get an
9 extraction from the physical phone, but you could only do that
10 as to one of them?

11 A. That is correct.

12 Q. What did you do with the second phone, the one you could
13 not access?

14 A. Because I was unable to with my device, I know that the
15 Secret Service have greater technology and greater levels of
16 training in using those pieces of technology so it was
17 delivered to the Secret Service Office in Irving.

18 Q. And the phone you were able to access, do you remember
19 which one that was?

20 A. The Samsung.

21 Q. What kinds of information did you see on that phone?

22 A. There were deleted text messages between her and members
23 of the group that was associated, Rodney Granger being one of
24 those. There were deleted search histories, like,
25 "publicdata.com" and "whitepages.com".

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INVT. CLAYTON COLLIER - Direct
Friday/May 24, 2019

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1 Q. What kinds of website are those, to your knowledge?

2 A. So, those are pages that anyone can go to with an account.
3 Or whitepages.com, I don't know that you need an account. But
4 you can look up people's names and addresses and things like
5 that, find personal information.

6 Q. Okay. And you said you were able to get items that had
7 been deleted. How did you know you were obtaining items that
8 had been deleted?

9 A. So, on our device, the Cellebrite, there's usually a
10 little icon that shows this message it's, like, a red circle
11 with an "X" in it. This item chose to have been deleted, but
12 it was still retrieved.

13 Q. Are you aware whether you're able to access every item
14 that's been deleted from a phone when you can pull some deleted
15 items back?

16 A. I don't believe I can get every item as some of them
17 become overwritten as time goes on.

18 Q. Okay. Other than the items that maybe became permanently
19 deleted somehow, did everything you reviewed from the
20 extraction appear consistent with what you had seen when you
21 were in Ms. Castro's presence previously on the phone itself?

22 A. I mean, the other stuff appeared present. I didn't see
23 anything that she showed me to be missing, if that's what
24 you're asking.

25 Q. Do you recall what, if anything else, you noticed of

1 evidentiary significance on the phone?

2 A. There were some photographs of items, like, laptops and
3 jewelry.

4 Q. Sir, did you do anything else on that date as it relates
5 to the investigation?

6 A. After that, we went to, Investigator Shkolnikov and I
7 responded to the Secret Service Office in Irving and spoke with
8 agents from that agency, as well as officers from all the
9 neighboring jurisdictions that had been involved in this in the
10 last several days.

11 Q. Did you and Investigator Shkolnikov provide any other
12 electronic devices to anyone else on that date that you recall?

13 A. Yes, two of the laptops, I believe, were taken from the
14 house on Arbor Creek, I was not part of collecting them from
15 the scene, but those were turned over to Irving Police
16 Department because they had a unit that could forensically
17 analyze those computers.

18 Q. And, sir, we mentioned, just briefly, the public data and
19 the whitepages.com searches that you were able to find in the
20 extractions. Did you notice anything in particular about what
21 kinds of data was associated with those websites?

22 A. It appeared that there were searches for some common,
23 either, like, East Asian or Indian names, like, Patel, that
24 type of thing.

25 MS. LIPMAN: Court's indulgence?

Government's Closing
Monday/June 3, 2019

17

1 what happened when the cops pulled them over. Octavius Scott
2 and Rodney Granger ran, leaving Juan Olaya to be arrested by
3 police. To have his phone confiscated by police.

4 And in that car you saw the phone, the pictures, the text
5 messages, the calls to this defendant. I believe it was 47
6 calls from late November through early December to the day they
7 were arrested. You saw the red and black Jordan backpack and
8 all the tools that the crew used inside that backpack. Two
9 guns, ammunition, duct tape, a ski mask, gloves, and that
10 Breaking Bad hat we heard so much about. You saw more jewelry.
11 You saw traveler's checks that belonged to the Singh family.

12 Ladies and gentlemen, on the defendant's computers and
13 cell phones, you have literally thousands of internet searches.
14 Patel in Shelby, North Carolina, Cheng in Edison, New Jersey,
15 Singh in Fayetteville, Georgia. She liked housing developments
16 and oddly, cul-de-sacs.

17 This is Exhibit 2A, this is 269 pages of searches, and it
18 is only from one from of the two computers that defendant told
19 law enforcement belonged to her when her house was searched
20 that day. That doesn't even count the searches that she did on
21 her phones.

22 Ladies and gentlemen, those searches were exclusively for
23 people with last names suggesting they were of Indian or Asian
24 descent. You'll have those exhibits with you. You can look at
25 these searches. And, of course, there were her notebooks.

APPENDIX J

TRIAL TESTIMONY

ECF No. 340, PageID.2736-39

ECF No. 373, PageID.3914; 3917; 3927-40; 3951-54; 3962-63

OCTAVIUS SCOTT - Direct
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22

1 Q. Can you describe what they are?

2 A. This is how the list normally comes.

3 Q. When you say, "This is how the list normally comes", what
4 do you mean?

5 A. A text messages full of addresses.

6 Q. How many times do you think you saw a list similar to this
7 on Juan Olaya's phone?

8 A. A couple of times. Multiple times.

9 Q. Sir, is it fair to say for every robbery you've been
10 involved in, you've seen something similar to this?

11 A. Correct.

12 Q. Now, I want to talk a little bit about the victims of
13 these robberies. During your involvement with this crew, did
14 you come to learn something specific about individuals who were
15 being targeted?

16 A. Yes.

17 Q. And can you describe what that is, please?

18 A. Their race.

19 Q. How so?

20 A. Asian, Indian, and Middle Eastern descent, that's what
21 most of the victims, if not all the victims were.

22 Q. Sir, at the time that you were receiving these addresses,
23 were they just in the manner which you saw them?

24 A. Correct.

25 Q. Was there any identifying information to you about the

OCTAVIUS SCOTT - Direct
Thursday/May 23, 2019

23

1 race of the victim?

2 A. No.

3 Q. And how is it that you came to identify or realize that
4 there were specific races being targeted?

5 A. Because after all the robberies, put two and two together.

6 Q. And as you start being more involved with this crew, did
7 you start specifically looking for things before you went into
8 homes?

9 A. Yes.

10 Q. And during the course of these robberies, do you have any
11 recollection of ever entering or robbing the home of an
12 individual who was white or Caucasian?

13 A. No.

14 Q. Do you have any recollection of entering the home or
15 robbing the home of an individual who was African-American or
16 black?

17 A. No.

18 Q. Whose decision was it -- first of all, who sent these
19 addresses?

20 A. Chaka.

21 Q. And then how would you end up choosing which address?

22 A. We just chose randomly.

23 Q. And who would be the person to choose?

24 A. At one point, it was just Juan, but after awhile it was,
25 like, just choose.

OCTAVIUS SCOTT - Direct
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24

1 Q. Kind of, close your eyes and point or just pick an
2 address?

3 A. Just pick an address.

4 Q. Now, did you ever have discussions --

5 MR. THOMAS: So, is that -- I'm going to object to
6 the foundation for that. That calls for him to either -- if
7 there is no foundation for it, he's talking the state of mind
8 of Juan Olaya. Unless there's more foundation, Judge, I'm
9 going to object to this testimony.

10 THE COURT: No, overruled, he was talking about
11 himself as well.

12 MR. THOMAS: But -- all right. I won't argue.

13 BY MS. SHELVEY, CONTINUING:

14 Q. And, sir, for the record, were you involved, after you
15 started working more frequently with this crew, in picking and
16 choosing addresses?

17 A. Correct.

18 Q. Now, did you ever speak amongst yourself, that being this
19 group, the crew, as to why you were targeting Indian or Asian
20 individuals?

21 A. Yes.

22 Q. And can you explain what some of those reasons were?

23 A. For one, they tend to keep a lot of their belongings,
24 money or whatever, home.

25 Q. As oppose to where?

OCTAVIUS SCOTT - Direct
Thursday/May 23, 2019

25

1 A. In banks, for reasons of sending it home or whatever the
2 case may be. And their religion, I mean, help set a foundation
3 or their beliefs and stuff helped set a foundation of how easy
4 it would be.

5 Q. What do you mean, can you explain that?

6 A. Certain cultures does certain things. So, when you narrow
7 it down, I guess it would be easier to know how certain people
8 act, react, and I don't know, along the way I just figured
9 certain things out and --

10 Q. When you say, "How certain people would act or react",
11 what was it specifically about Asian and Indian families that
12 would be beneficial to you and your crew -- you and the crew?

13 A. A lot of them didn't have pets. A lot of them didn't have
14 firearms, so that took the stress level down a little bit.

15 Q. And why were you concerned about walking into a house with
16 firearms and/or pets?

17 A. Our safety.

18 Q. I want to talk a little bit about each one of the various
19 individuals within this crew. The person you identified as
20 Nando -- I'm sorry, Fernando or Juan Olaya, Columbia, I'm going
21 to show you what's been previously admitted as Government's
22 Exhibit 295A. Sir, do you recognize him?

23 A. Yes.

24 Q. And who do you recognize that to be?

25 A. Fernando, Juan.

RODNEY RIASCOS - Direct
Wednesday/May 15, 2019

14

1 A. No.

2 Q. Mr. Riascos, do you want to be here today?

3 A. I definitely don't, but . . .

4 Q. Why are you here?

5 A. I've been subpoenaed.

6 Q. Mr. Riascos, you mentioned that you're incarcerated for
7 robbery and kidnapping, did you target any specific races
8 during the robberies and kidnappings?

9 A. Yes, Ma'am.

10 Q. And could you explain that to the jury, please?

11 A. Asians and Indians.

12 Q. Why did you target Asians and Indians?

13 A. That's what I been taught, you know. They don't like to
14 save money in the bank, you know, they like to keep money in
15 their houses, you know.

16 Q. And what about Indian, individuals of Indian nationality,
17 is there something that they have that you take?

18 A. Gold. Money.

19 Q. What do you mean, "Gold"?

20 A. Gold, like, jewelry.

21 Q. Okay. When did you first get involved in the robbery of
22 Asian and Indian individuals?

23 A. 2011, 2012.

24 Q. And prior to 2011, 2012, were you living in the United
25 States?

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17

1 for the defendant?

2 A. Yeah.

3 Q. And why were you looking for the defendant?

4 A. Because I heard that she know how to get them, you know.

5 Q. When you say, "Get them", what are you referring to?

6 A. Addresses.

7 Q. What do you mean, "Addresses"?

8 A. Houses of Asian and Indians.

9 Q. And did you discuss this with her?

10 A. Yep.

11 Q. Did you ever work with the defendant, Chaka Castro?

12 A. One time.

13 Q. Can you describe to the members of the jury how that came
14 about?

15 A. I was going to go with my friends, you know, and she just
16 showed up out of nowhere.

17 Q. Let me stop you right there. You were going to go with
18 your friends where?

19 A. You know, just hit any house.

20 Q. Had you received an address at that point in time from
21 her?

22 A. No.

23 Q. Did you discuss being involved in a break with her?

24 A. N'all.

25 Q. It was just you and another individual?

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1 THE WITNESS: Okay. No.

2 MR. THOMAS: Your Honor, I move to strike. Hearsay.
3 Not in furtherance of a conspiracy.

4 MS. SHELVEY: If I could just have a moment?

5 (A brief pause)

6 MS. SHELVEY: Your Honor, I move to strike at this
7 time. We'll get back to that.

8 THE COURT: All right.

9 MS. SHELVEY: Thank you.

10 BY MS. SHELVEY, CONTINUING:

11 Q. Now, sir, if you can, looking at 5-4-12, so May 4th of
12 2012, at 048, what is -- From Chaka Castro to yourself, can you
13 tell me what that says?

14 A. "Tell me which area do you want."

15 Q. And what was your understanding of what that was making
16 reference to?

17 A. The place I wanted to go to, you know, like, the areas
18 that I want to go to, you know, that I prefer.

19 Q. Go to do what?

20 A. Do houses. Rob houses.

21 Q. Okay. And what was your response?

22 A. "Here."

23 Q. And what was the response just after that?

24 A. "I just want to go to hot spots."

25 Q. Can you explain to the members of the jury what you mean

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1 by "Hot spots"?

2 A. Like, where police not around that often.

3 Q. Okay. Special Agent Taube, can we go to page 2, please.

4 And again, sir, I'm going to do this in summary fashion,
5 but if there's something you need a context for, just let me
6 know?

7 A. Okay.

8 Q. If we could go for the first half of the page, please.

9 All right. Now, this is from you to her?

10 A. Yes.

11 Q. And what does it say?

12 A. Which one?

13 Q. This here. I'm going to start right here. Do you want to
14 see the previous page?

15 A. Yeah, please.

16 Q. Okay. I'm going to give you page 1 and 2 so you could
17 have it in front of you. Just take a look at it. Does the
18 conversation start on the bottom of page 1 and continue to page
19 2?

20 A. Okay.

21 Q. Now, sir, the conversation up at the top where it says you
22 didn't like the place we went to last time?

23 A. Um-hum.

24 Q. Who said that?

25 A. She said it.

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1 Q. And what was your response?

2 A. Let me -- where is it? Um, "Indians."

3 Q. It says there with the arrows, is that the literal
4 translation?

5 A. Not literal, but that means Indian for us.

6 Q. That means Indian for you?

7 A. For us, yeah.

8 Q. You mean Indian as a nationality or Indian as in native
9 America?

10 A. No, nationality.

11 Q. Okay. If we could continue on, please. And her response
12 was?

13 A. She didn't know what I was talking about.

14 Q. And then did you provide more information?

15 A. Yes, I did.

16 Q. And what was that?

17 A. "Indians."

18 Q. Okay. If we could highlight that.

19 So, she just said, "What arrows are you talking about?"

20 Meaning, What Indians are you talking about? And did she
21 follow it up with another statement?

22 A. Yeah, she was like, "Near 290".

23 Q. "The one I told you about near 290"?

24 A. Yes.

25 Q. What is 290?

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Wednesday/May 15, 2019

30

1 A. There's a highway -- it's not a highway it's, like, a
2 freeway in Houston.

3 Q. Okay. And if we can go now to the second half of the
4 page, please, starting at 5-4-2012 at 52.

5 Now, this is from you to her. What are you talking about
6 here?

7 A. I'm talking about that I need the address so I can go in
8 the morning with my friends.

9 Q. That makes reference to going in the morning and doing
10 robberies?

11 A. Yes.

12 Q. Okay. If we can now go to page 4, please. And I would
13 like to start, if we can, at the first full -- I'm sorry,
14 Special Agent Taube, the top of the page, please and go down.
15 Down. Keep going until this handwriting. Thank you.

16 Sir, I'm going to ask you to take a look at the -- they're
17 from the defendant to you?

18 A. Yep.

19 Q. Okay. And the first one on may fourth, 2012 at 142
20 seconds UTC, I want to talk about from there down.

21 Can you describe to the members of the jury what those
22 are?

23 A. Addresses.

24 Q. Okay. And where is Cypress, Texas?

25 A. Close to Houston.

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1 Q. Is that the area that you were in?

2 A. Nope.

3 Q. Is that an area that you wanted to potentially look at
4 houses?

5 A. That's what she sent me.

6 Q. Okay. And now if we could go down to the handwritten
7 portion, please.

8 And that's from the defendant to you?

9 A. Yes, Ma'am.

10 Q. And what does she say there?

11 A. She asking me if that's okay.

12 Q. But what does it say?

13 A. "Okay, there are some addresses right there."

14 Q. Okay. How many addresses?

15 A. Seven.

16 Q. And is that the seven addresses that we just showed to the
17 jury?

18 A. Yes, Ma'am.

19 Q. All right. And how did you respond?

20 A. "It's good."

21 Q. All right. If we could go to page 5, please. Start -- if
22 we could start and highlight from here to here, please.

23 And it's to her again commenting that there were seven
24 addresses?

25 A. Yep.

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1 Q. And what is the next statement from the defendant to you
2 say?

3 A. She say -- she's telling me the seven addresses.

4 Q. Okay. And underneath where it says, and I apologize, I
5 don't speak Spanish. Where it starts with "Vomas"?

6 A. That means, We are going to see them.

7 Q. What does that mean, for the members of the jury?

8 A. Imma check 'em out.

9 Q. Okay. And she's telling you that --.

10 A. Imma check 'em out.

11 Q. And that's from her to you?

12 A. No, that's me.

13 Q. Where it says, "Author"?

14 A. No, that's her.

15 Q. Okay. So, where it says "Author" that's her and it's
16 going to you?

17 A. No, no, no, that's me. I'm telling her that Imma check
18 'em out.

19 Q. Okay. But where it says, "Author", who is that?

20 A. That's her.

21 Q. And where it says, "Recipient", who is that?

22 A. Me.

23 Q. And what is the body of that message?

24 A. "We going to see with these ones."

25 Q. Okay. And what does that mean?

1 A. Just means, "We going to see with this one. Imma check
2 this one first."

3 Q. And if we could also go and highlight this area, please.
4 And again, starting with the top one, it's written by who?

5 A. It's written by Chaka.

6 Q. To you?

7 A. Yep.

8 Q. And what does it say?

9 A. She says she got another good area.

10 Q. Okay. And how did you respond to that?

11 A. Right there I said, "I'll write them down. I'm about to
12 see them in Google."

13 Q. And what did you mean by, "In Google"?

14 A. Go to Google and see how they look.

15 Q. What were you looking for in Google? You mean, like,
16 Google Earth?

17 A. Yeah.

18 Q. Okay. What were you looking for?

19 A. First of all, to get a good look at it, first of all.

20 Q. What looks good?

21 A. I mean, like, I don't know want to go to a bad
22 neighborhood, you know.

23 Q. Okay. So, you're looking for nice houses?

24 A. Exactly.

25 Q. Okay. What else are you looking for?

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1 A. To see if they got any signs of Natives or Indians.

2 Q. How can you tell from a house if there's any sign of
3 Asians or Indians?

4 A. Asians, they got, like, a mural, you know.

5 Q. A mural?

6 A. Yep, they got, like, a little, like -- English, they got
7 little elephants and stuff like that.

8 Q. And you could see that in their yards, like, landscaping?

9 A. Yes.

10 Q. When you say, "Mural", what do you mean, like, painting on
11 a wall?

12 A. Like, a little triangle, a sign.

13 Q. Okay. And if we can go now to page 6, please.

14 Did you ever go to any of the addresses the defendant sent
15 you?

16 A. Nope.

17 Q. Looking at the bottom portion of page 6. Why didn't you
18 go to any of those addresses?

19 A. I find out -- I overheard that what happened in Atlanta,
20 you know, with her and other people and my friend was like
21 just, I mean, just don't work with her, you know, because I
22 didn't want to go to jail, you know.

23 Q. Now, shortly after she sent you those addresses, first of
24 all, did you ever go to those addresses?

25 A. No.

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1 Q. Did you keep having conversations with the defendant about
2 these addresses and going to these addresses?

3 A. Nope.

4 Q. Did she keep asking you to go to the addresses?

5 A. She keep asking me about pay cut.

6 Q. Did you ever offer to send her any money?

7 A. Um, yep.

8 Q. Why did you do that?

9 A. I mean, that's --

10 MR. THOMAS: Objection, I don't know, I think I heard
11 her say, "Why did she do that"?

12 MS. SHELVEY: Why did, "You". Sorry, I mumble
13 sometimes.

14 MR. THOMAS: Okay. I withdraw it.

15 BY MS. SHELVEY, CONTINUING:

16 Q. If we could go to 286FF, page 7, please. All right. And
17 I'm going to ask you to highlight that portion, please.

18 All right. On May 6, 2012, there's a message from the
19 defendant to you, starting with, "Bro", what does that mean?

20 A. Brother. Friend.

21 Q. And was she asking something of you?

22 A. She asked me -- she needed money.

23 Q. And did you agree to do that?

24 A. Yes, I did.

25 Q. All right. If we could go now to the second half of that

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1 page, please. Going to ask you to take a look at this, this is
2 still May 6, 2012. Read through it and describe what that
3 conversation is?

4 A. She asking me if I went to their houses.

5 Q. And did you respond, "Yes"?

6 A. Yep.

7 Q. Did you go to the houses?

8 A. Nope.

9 Q. Why did you tell her you did?

10 A. I just don't want to hear her, you know.

11 Q. Okay. If we could go to page 8, please. And if we could
12 go to that area, please -- actually, strike that. Go a little
13 further down. Do the whole thing. Thanks.

14 Now, sir, in looking at this, there's a message on May 7th
15 of 2012 from the defendant to you. It says, "You left me
16 hanging"?

17 A. Yep.

18 Q. What is she talking about?

19 A. I didn't send her the money.

20 Q. Okay. And now underneath that what was your response?

21 A. "We haven't done anything."

22 Q. And what were you referring to?

23 A. Go out and do houses. Rob houses.

24 Q. Now, the next translation says, "Don't say I let you die",
25 what does that mean?

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1 A. I mean, like, stop talking, like, it's still time to do
2 it, you know.

3 Q. Okay. And in previous conversations had she made the
4 comment about, "You're letting me here die"?

5 A. Um-hum.

6 Q. You don't mean "die" in the literal sense?

7 A. No.

8 Q. And then underneath this message here, can you describe
9 what that means?

10 A. "It's not like that."

11 Q. Okay. And how did she respond to that?

12 A. "Oh, you told me you were going to do me a favor and now
13 you left me hanging."

14 Q. What is she referring to?

15 A. About the money.

16 Q. And the favor she's referring to is just giving -- you
17 giving her money?

18 A. Yeah.

19 Q. Okay. Did the messages from the defendant start to
20 escalate in terms of her behavior?

21 A. Yep.

22 Q. Can you describe what you mean?

23 A. Just started getting angry because she thought that I did
24 the houses and I didn't give her the pay cut.

25 Q. Okay. And if we could go to page 10, please.

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1 And did you stop responding to her?

2 A. Yep.

3 Q. All right. And is this series on page 10 her conversation
4 to you?

5 A. Yep.

6 Q. And did you respond to any of those?

7 A. Nope.

8 Q. And the last one says, "Why do you not answer"?

9 A. Yep.

10 Q. Was she trying to get in touch with you?

11 A. Yep.

12 Q. And looking at this here, could you let the jury know what
13 that is?

14 A. That's a number.

15 Q. Okay. Whose phone number?

16 A. Hers.

17 Q. All right. If we could go to page 11, please.

18 Now, the top portion here, does she still continue to try
19 to get in touch with you?

20 A. Yep.

21 Q. At some point, did you respond and said, "I gave it to
22 Ketty"?

23 A. Yes.

24 Q. Who is Ketty?

25 A. Her friend.

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1 Q. Did you send anything to Ketty?

2 A. Yep.

3 Q. What did you do?

4 A. I gave her some money.

5 Q. How much money?

6 A. I just can't remember, but probably was \$30, \$50,
7 something like that.

8 Q. Okay. Why did you give her \$30?

9 A. Because she was needy.

10 Q. She was --

11 A. She was needy.

12 Q. Okay. Where did the money come from?

13 A. From my friend.

14 Q. All right. Was it proceeds from a robbery?

15 A. No.

16 Q. If we could go to page 12, please.

17 And I'm going to direct your attention now to that portion
18 of the page. And on May 16th, 2012, did she ask you a
19 question?

20 A. "Have you done anything yet?"

21 Q. What is she referring to?

22 A. I don't do that any more.

23 Q. I'm sorry, what is she referring to, "Have you done
24 anything yet"?

25 A. Those houses.

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- 1 Q. And what did you respond?
- 2 A. "I don't do that any more."
- 3 Q. How did the defendant respond to your response?
- 4 A. She was like, "What? What did you say?"
- 5 Q. And what did you respond?
- 6 A. "I'm cool. I'm not doing this no more. I'm out of the
- 7 game."
- 8 Q. When you say, "You're out of the game", you're not doing
- 9 this any more, you mean, robbing houses?
- 10 A. Yeah.
- 11 Q. Was that a true statement?
- 12 A. No.
- 13 Q. Did you, shortly after this, began working with another
- 14 crew?
- 15 A. Yes.
- 16 Q. And was that crew run by another Columbian?
- 17 A. Yeah.
- 18 Q. If you know?
- 19 A. Yeah.
- 20 Q. And now if we could go to page 13, please. And, sir, in
- 21 looking at that, this is a -- from the defendant to you on May
- 22 16th of 2012. What does that say where it starts --
- 23 A. May 16th?
- 24 Q. This top portion here.
- 25 A. Oh, she was like, "I know what's going on." Also she say,

1 that what you told the agents?

2 A. That's in Texas, that's not Oregon.

3 Q. I know you were stopped in Texas, but there was jewelry in
4 a car?

5 A. You're saying the car that we got pulled over, that was in
6 Texas, right?

7 Q. That was in Texas, correct?

8 A. Yeah.

9 Q. And there was jewelry in the car?

10 A. Correct.

11 Q. That was Denny's car?

12 A. Yes.

13 Q. Denny who?

14 A. Ramos.

15 Q. Denny Ramos, somebody you knew from Oregon or from Texas?

16 A. Texas.

17 Q. And there was jewelry in the car and you were asked a
18 question, "Was the jewelry from any of the robberies in
19 Oregon?" And you said, "No"?

20 A. Yeah, because, I mean -- yeah, okay.

21 Q. I'm not trying to be secretive, all right.

22 A. Um-hum.

23 Q. You were in Oregon before you got stopped in Texas?

24 A. No.

25 Q. You were not?

1 A. No.

2 Q. The jewelry in the car were the jewelry from a theft in
3 Texas; is that correct?

4 A. Yeah, that's what it was.

5 Q. But it was not involving Chaka Castro?

6 A. Nope.

7 Q. You told the jury that when Chaka purportedly gave you the
8 information on the Facebook, that you had decided that you were
9 not going to work with her?

10 A. Yep, correct.

11 Q. And you never did work with her?

12 A. Correct.

13 Q. You didn't agree to do work with her?

14 A. Um-hum.

15 Q. That's a, "Yes"?

16 A. Yep.

17 Q. And no robberies occurred as a result of those addresses
18 that you were given?

19 A. You're right.

20 Q. Did Chaka Castro ever express to you hatred or dislike for
21 people of Indian or East Asian descent?

22 A. Nope.

23 Q. The choice to do a robbery, if you were going to do it,
24 was posed to you based on the fact that they keep money at
25 their homes, it was believed, and that they keep jewelry at

1 home; is that right?

2 A. Yep.

3 Q. Okay. You were not new to the idea of home invasions and
4 robbery with other people?

5 A. No.

6 Q. You had done that before, right?

7 A. Yep.

8 Q. In fact, your conviction is for that, right?

9 A. Um-hum.

10 Q. In Oregon?

11 A. Yep.

12 Q. With other people not related to Chaka Castro?

13 A. Yep.

14 Q. With maybe people of Columbian descent, maybe people of
15 other descent?

16 A. Correct.

17 Q. Mostly Columbian?

18 A. Yep.

19 Q. Were you aware there were other groups of people, around
20 the country, who were doing home invasions other than you and
21 other than, as you're purporting, Chaka Castro?

22 A. Yeah.

23 Q. The scheme of doing it is not a unique thing. You find
24 people who you believe have money and big houses, nice houses,
25 and you take down the house and grab the money?

- 1 A. Yep.
- 2 Q. It's something that happens not just exclusively to
- 3 Indians and Asians; is that right?
- 4 A. That was -- that's what we target.
- 5 Q. That was the typical target from you and from all others?
- 6 A. Yep.
- 7 Q. Okay. And it's not unique to any bias or hatred, people
- 8 who keep money at home are a good target, right?
- 9 A. Um-hum.
- 10 Q. Did you ever give Chaka Castro any money?
- 11 A. Nope.
- 12 Q. And surely you never gave her any jewelry and never made
- 13 any wire transfers to Columbia for her or for anybody else?
- 14 A. Not for her.
- 15 Q. You would do that; is that right?
- 16 A. Say what?
- 17 Q. You would transfer money by Western Union yourself?
- 18 A. Yep.
- 19 Q. All right. Did you tell the Government that you thought
- 20 that there were other females doing the same thing as Castro
- 21 did?
- 22 A. Yep.
- 23 Q. And Guitierrez did?
- 24 A. Yep.
- 25 Q. Now, there's a woman "Nelly", who is Nelly?

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1 Q. And you mentioned -- you said, "We targeted", and then
2 counsel asked you if it was based on bias and hate. When you
3 say, "We", who are you referring to?

4 A. Say again.

5 Q. When you use the term, "We targeted", who is the "we" you
6 meant?

7 A. Us.

8 Q. Your group or a specific nationality that targets?

9 A. Colombians.

10 Q. Why -- and you're Columbian?

11 A. Yes.

12 Q. And within the Columbian community, why do the Columbians
13 target Indians and Asians?

14 A. Gold. Money.

15 Q. Do you target individuals who are white?

16 A. I never did.

17 Q. Do you target people who were African-American or black?

18 A. I never did.

19 Q. Why?

20 A. I mean, I just never did.

21 Q. And what factors make you decide not to hit the house?

22 A. Those houses that they -- the addresses?

23 Q. Well, we can start with that. Why didn't you go to those
24 addresses?

25 A. Because I didn't want to go to jail. I was -- somebody --

1 my friends told me about it. They was like, Look, she -- don't
2 trust her, you know. That's it.

3 Q. Okay. So, it's not that you weren't going to do the
4 robberies, you just didn't want anything to do with the
5 defendant and her crew?

6 A. No.

7 Q. What about houses in particular and addresses in
8 particular, make you decide you don't want to go into it?

9 A. Say again.

10 Q. What would make a house bad, like, when you look at it?

11 A. I mean, if you look old and messed up.

12 Q. Okay. Is there anything on the outside that you'd say,
13 "Oh, we're going to stay away from that one"?

14 A. No.

15 MS. SHELVEY: Okay. Thank you, nothing further.

16 THE COURT: Thank you. Anything further?

17 MR. THOMAS: No, thank you, Judge.

18 THE COURT: All right. Thank you.

19 Mr. Riascos, you may step down and you may be excused.

20 And Ms. Lipman, you may call your next witness, please.

21 MS. LIPMAN: Thank you, Your Honor. The United
22 States calls Krunal Patel.

23 THE COURT: Sir, before you have a seat, would you
24 raise your right hand for me?

25 - - -

APPENDIX K

TRIAL TESTIMONY

ECF No. 375, PageID. 4400-01

ECF No. 379, PageID.5174

ECF No. 382, PageID.5671-72; 5678-80

1 **THE COURT:** All right. It will be conditionally
2 admitted.

3 **MS. LIPMAN:** And I'd like to publish that.

4 (Government's Exhibit 256D received into evidence.)

5 **BY MS. LIPMAN, CONTINUING:**

6 **Q.** Sir, can you circle the ones that you believe to be your
7 family's laptops.

8 **A.** These three are family laptops.

9 **Q.** Thank you. And those were returned to you?

10 **A.** No.

11 **Q.** You have not gotten those back?

12 **A.** I got these laptops back, yeah, I'm sorry.

13 **Q.** Sir, did you own that house 306 Wrotham Lane?

14 **A.** No, I was a tenant, I was renting.

15 **Q.** Who were you renting it from?

16 **A.** Name is Anna Lee.

17 **Q.** And how is Lee spelled?

18 **A.** L-E-E.

19 **Q.** What race is Anna Lee?

20 **A.** She's Asian, Chinese.

21 **Q.** You believe she's Asian or Chinese?

22 **A.** Yeah, she is Chinese.

23 **Q.** Sir, I'd like to show you what's been marked as
24 Government's Exhibit 256N1. Sir, do you recognize any address
25 on that exhibit that I've handed you?

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ANANTHA SUBRAMANIAN - Direct
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1 **A.** Yes.

2 **Q.** What address do you recognize on that?

3 **A.** 306 Wrotham lane.

4 **Q.** And is that your address -- was that your address at the
5 time?

6 **A.** Yes.

7 (Government's Exhibit 256N1, Document with Addresses,
8 identified.)

9 **MS. LIPMAN:** Your Honor, I move to conditionally
10 admit Government's Exhibit 256N1.

11 **THE COURT:** Any objection?

12 **MR. THOMAS:** No Judge.

13 **THE COURT:** All right. It will be admitted.

14 **MS. LIPMAN:** And I'd like to publish.

15 (Government's Exhibit 256N1 received into evidence.)

16 **BY MS. LIPMAN, CONTINUING:**

17 **Q.** Sir, can you show me where your address is on that page?

18 **A.** (Witness Drawing Diagram).

19 **Q.** And what letter is to the left of that address?

20 **A.** It's the letter "C".

21 **Q.** And is that address crossed out?

22 **A.** Yes.

23 **MS. LIPMAN:** Your Honor, no further questions.

24 **THE COURT:** All right. Thank you.

25 Mr. Thomas.

1 armed home invasions?

2 A. Yes.

3 Q. The victims of home invasions and/or a burglary?

4 A. Correct.

5 Q. Did you note anything interesting about those addresses as
6 it relates to the list?

7 A. There was a total of, like, seven pages with addresses out
8 of 18 different North Dallas cities, DFW area cities. And
9 beside each address there was a letter "I" or a letter "C"
10 written besides the address.

11 Q. And were some of the addresses crossed out?

12 A. Yes, they were.

13 Q. And did any of those addresses that were crossed out make
14 note to you?

15 A. Yes, specifically the 306 Wrotham and those addresses were
16 crossed out.

17 Q. Now, sir, you also mentioned that you saw a "Chakamina"?

18 A. Yes, and so that, kind of -- I actually did a Facebook
19 search and seen that she was using the Facebook page and her
20 title on there was "Chaka Castro Mina" and specifically that
21 being a possible password, the "0209", her date of birth is
22 February 9th, 1975.

23 Q. And you said you did a Facebook search. The Facebook that
24 you saw, "Chaka Castro Mina", M-I-N-A?

25 A. M-I-N-A, yes.

1 as pictures on a phone.

2 Q. Whose phone?

3 A. Luis Moreno's.

4 Q. Thank you. If we can go now to the third column from the
5 left, being May 27th, 2011. And again -- just in summary
6 fashion for the jury, just summarize what's depicted in each of
7 these, please.

8 A. So, this discusses a robbery of the Patel family in
9 Cameron Creek, and in this particular one, there was a text
10 message from Lachak Tia to the Moreno phone with that address.

11 Q. Is that 1174 Cameron Creek, Marietta, Georgia?

12 A. Yes, Ma'am.

13 Q. Thank you. Go to June 10th of 2011, 927 Grassmeade.

14 A. This is a burglary of Grassmeade Way. Mr. Jooma's -- the
15 Jooma family residence. This is where the phone was found left
16 at the residence.

17 Q. When you say, "The phone", who is the phone identified to
18 belonging to?

19 A. This is the phone with Mr. Moreno -- this is Mr. Moreno's
20 phone and it has his picture right on there.

21 Q. Thank you. Next, if we can go to December 28th of 2011.
22 I'm sorry, September 27th.

23 A. This is an attempted robbery, and this is the Chagani
24 family. And this is one where during a search warrant they
25 found a note and that note had the Nash Lee address on it.

SP. AGT. BRAYAN TAUBE - Direct
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1 Q. The search warrant, is that the search warrant that was
2 located at Terrell Mills?

3 A. It is.

4 Q. And this appeared to be a ripped piece of notebook paper?

5 A. Yes. And this notebook paper is the one that seems to fit
6 the notebook that was -- happened at the Tennessee Highway
7 Patrol.

8 Q. And is the writing there consistent with the writing that
9 you've seen throughout this case?

10 A. Yes.

11 Q. If we can move to the next one, please. December 27th,
12 2011.

13 A. This is a robbery or home invasion. Watches were
14 recovered and identified by the family through Officer --
15 Detective Thorp, and there's also an indictment and transcript
16 regarding Ms. Castro's guilty plea regarding this particular
17 address.

18 Q. And is this the address at 513 Collins Lake Way in which
19 the defendant and co-defendants were charged for an armed home
20 invasion but pled to burglary?

21 A. Correct.

22 Q. Thank you. And as a result of that charge that resulted
23 in a guilty plea, did Ms. Castro spend a period of time
24 incarcerated?

25 A. She did.

SP. AGT. BRAYAN TAUBE - Direct
Friday/May 31, 2019

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1 A. Not Aunt Betty's room, excuse me, the house of Betty Smith
2 in Chaka Castro's room. And this is again Chat 248,
3 Exhibit 290. This was sent at -- this address was sent at
4 December 5th, 7:39 p.m. central standard time. And there's
5 also a Google Map reference to this particular address on 294A.

6 Q. Sir, as it relates to this robbery on December 5th of
7 2014, do you know what time the 911 call came in?

8 A. I want to say it was 10:00 or 11:00 p.m.

9 Q. 10:00 or 11:00 p.m.?

10 A. Correct.

11 Q. So, it was before midnight and after 7:39 p.m.?

12 A. Correct.

13 Q. Thank you. Would looking at anything refresh your
14 recollection as to the exact time?

15 A. Obviously, if I could see when the 911 call was made.
16 Yeah, so, the 911 call was made at 10:54 p.m.

17 Q. Thank you. Move on to the next. And this is
18 December 6th, 2014.

19 A. So, this is the next day, December 6th. This is of the
20 Xiao family, 1436 Rio Grande. This had two cell phones stolen,
21 one was Edward Xiao's phone and the other was his father's
22 phone. His father's phone ultimately ended up in Chaka
23 Castro's room at Aunt Betty's house. There's also a
24 handwritten note that was recovered which had that address as
25 well as the chats.

1 Q. And was Edward Xiao's phone also discovered?

2 A. Yes, and we're going to get to that here in a minute.

3 Q. Okay. If you can go to also December 6th of 2014,
4 Philips Drive?

5 A. Same day, this is a burglary. This is of the Mohammed
6 family's house at 1213 Philip Drive. A phone and iPad were
7 identified. The case from Edward Xiao's phone was recovered
8 outside of this house. And there's a handwritten note
9 regarding this address as well as a chat concerning this
10 address. And you can see that that was sent in the afternoon
11 of December 6th.

12 Q. And based on your knowledge of the case, did this burglary
13 occur after six o'clock or 5:57 on December 6th of 2014?

14 A. It did.

15 Q. Okay. And now we're going to go to December 6th of 2014,
16 again, the same day as the previous two, 306 Wrotham Lane.

17 A. Correct, and there was -- well, I'm going to start by
18 saying that Edward's phone was recovered in a drawer at this
19 residence and also a tablet was identified or stolen from this
20 address that was identified in the room of Chaka Castro.
21 And on the bottom is a handwritten note that was found with
22 Wrotham Lane crossed out.

23 Q. And where was that note discovered?

24 A. That was -- I don't recall, I apologize.

25 Q. Okay. And again, this is the address included in the

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1 Chat 248?

2 A. It is.

3 Q. All right. And we can now go to the next day,
4 December 7th.

5 A. There's a burglary of the Patel family, at 3025 Loch
6 Meadow, South Lake. There was jewelry, and those pictures of
7 the jewelry are in 201S through 201EE. This is the jewelry
8 that was recovered in the Fusion. And, again, we have a
9 reference to the handwritten note. We have the Google Map and
10 we have a chat regarding that.

11 Q. Thank you. And now finally, again, on December 7th of
12 2014.

13 A. This is the home invasion that, kind of, broke the case
14 open. This is the robbery of the Singh family at 5605 Suncrest
15 Drive, Flower Mound. There was traveler's checks, jewelry and
16 watches, which are pictured in 201A through 201 -- that might
17 be a typo. It says, "2021D", but I don't believe that that's
18 correct. But these were found -- items that were found in the
19 Versa, so, this is the car that was carjacked.

20 Q. And are there also references made during the chats?

21 A. Correct.

22 Q. Thank you. Now, sir, as it relates to your investigation,
23 in the course and time, again, with the exception of the Ohio,
24 were there multiple burglaries or armed home invasions within a
25 short period of time in each state?

APPENDIX L

TRIAL TESTIMONY

ECF No. 371, PageID.3643-46

ECF No. 375, PageID.4389

ECF No. 376, PageID.4520; 4537; 4543

ECF No. 377, PageID.4751-59

1 you, if I could.

2 Sir, what kind of contents did you find on the cell phone
3 extraction report?

4 A. There were text messages, Facebook messages and numerous
5 photographs, along with call logs.

6 Q. I'd like to turn, if I could, to Government's Exhibit 34B
7 and put that up on the screen. And I'd like to go to page 2 of
8 Government's Exhibit 34B.

9 (Government's Exhibit 34B, P. 2, Phone Examination Report
10 for HTC MyTouch 3G Android Text Messages, identified.)

11 (Government's Exhibit 34B, P. 2 received into evidence.)

12 THE COURT: So, these have been stipulated to?

13 MS. LIPMAN: Yes, Your Honor, they are stipulated to.

14 THE COURT: All right. Very good.

15 BY MS. LIPMAN, CONTINUING:

16 Q. I'd like you to read for me the last two lines on that
17 Extraction Report, Lines 13 and 14. Could you read the far
18 right column for me?

19 A. Yes, those are two different addresses. The first one is
20 "1174 Cameron Creek in Marietta", would be "Marietta, Georgia
21 30062". The second address is "1472 Heritage Glenn Drive in
22 Marietta, Georgia 30068".

23 Q. During the course of your investigation do you know 1174
24 Cameron Creek to be significant?

25 A. Yes.

1 Q. And why?

2 A. We believe these addresses were associated --

3 MR. THOMAS: Objection to, "We".

4 THE COURT: All right. Sustained.

5 BY MS. LIPMAN, CONTINUING:

6 Q. Sir, can you read for me the phone number on the left-hand
7 side?

8 A. (832) 542-9310.

9 Q. And can you read the name that is associated in
10 Mr. Moreno's cell phone as involved in this text message?

11 A. It's "Lachak" "Tia".

12 Q. And on that second to right column, what does that address
13 say?

14 A. It's also "Lachak" "Tia".

15 Q. My apologies. Right before the addresses in the next
16 column to the left, what does that word say?

17 A. You have, "Incoming".

18 Q. Sir, I'd like to turn your attention now to Government's
19 Exhibit 34C. What are these exhibits?

20 A. These are photographs that were found inside of that
21 cellular device and it depicts different addresses that came up
22 during this investigation.

23 (Government's Exhibit 34C, Phone Examination Report for
24 HTC MyTouch 3G Android Various Photographs, identified.)

25 (Government's Exhibit 34C received into evidence.)

1 BY MS. LIPMAN, CONTINUING:

2 Q. And I'd like to zoom in, if I could, on the top fourth of
3 that page.

4 Sir, were there any addresses listed there that were of
5 particular significance for your investigation?

6 A. Yes, there are at least two addresses in Gwinnett County.
7 The first one was the 2969 Abbotts Oak Way in Duluth, Georgia
8 30097. The second one is the 328 Country Club Village Lane in
9 Norcross, Georgia 30092.

10 Q. Thank you. So, did you run the addresses that were listed
11 on this page?

12 A. Yes, all of the addresses were ran.

13 Q. And what did you learn as a result of running all of those
14 addresses?

15 A. That some of the addresses were associated with burglaries
16 that had taken place in Gwinnett County and Metro Atlanta.

17 Q. And I'd like to go to page 2 of that exhibit. Sir, in the
18 middle of the page, I'd like to zoom in on that part. Is there
19 anything of significance that you see from those address?

20 A. Yes, the last address, the 3068 Redwood Grove Park is in
21 Snellville, Georgia 30078, that's in Gwinnett County the police
22 department that I worked for.

23 (Government's Exhibit 34C, p. 2, Photograph of Notebook
24 Page with Various Address in State of Georgia,
25 identified.)

1 (Government's Exhibit 34C, p. 2 received into evidence.)

2 BY MS. LIPMAN, CONTINUING:

3 Q. And would you also read the address listed on the top line
4 that you could see there?

5 A. It's 456 Anniston Court, 30068.

6 Q. Now, is Anniston Court, to your knowledge, is that address
7 in Gwinnett County?

8 A. Based on the zip code it is.

9 Q. Sir, in running all of those addresses, was there anything
10 specific you were able to find out about the homeowners who
11 were listed?

12 A. There seemed to be a common theme that the homeowners were
13 predominantly of Indian descent.

14 Q. And how -- did you actually go and meet with every single
15 homeowner to determine that?

16 A. No, because some of the addresses were actually legitimate
17 burglaries, we were able to actually pull the police reports
18 and see that the names on the police reports were, indeed, of
19 Indian descent.

20 Q. And what names, specifically, are you recalling, if any?

21 A. Predominantly, "Patel".

22 Q. I'd just like to go through to page 4 of that exhibit. If
23 you could scroll down. Sir, do you know who that is?

24 A. Yes.

25 Q. Who is that?

ANANTHA SUBRAMANIAN - Direct
Monday/May 20, 2019

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1 **A.** It's 306 Wrotham Lane, Allen, Texas.

2 **Q.** Do you remember the zip code?

3 **A.** It's 7 -- no, I'm not sure either.

4 **Q.** Sir, what kind of neighborhood did you live in?

5 **A.** It's a cul-de-sac, like -- you know, it's, kind of,
6 neighborhood.

7 **Q.** You said it was a cul-de-sac?

8 **A.** Yeah.

9 **Q.** And what kind of buildings were around you where you
10 lived?

11 **A.** It's all independent houses.

12 **Q.** Okay. Who lived in that house with you at the time?

13 **A.** My family, two sons and my wife.

14 **Q.** How old are your sons now?

15 **A.** Now?

16 **Q.** Yes.

17 **A.** Now, 21 and 18. Going to be 18.

18 **Q.** Okay. Sir, do you remember what day of the week was
19 December 6th of 2014?

20 **A.** It was Saturday.

21 **Q.** Why do you know that?

22 **A.** Because at that time I was doing consulting jobs, so I
23 used to travel and come back home on Thursday or Friday and
24 that was Saturday, so I did remember that.

25 **Q.** Where in the house were you on that night?

EDWARD XIAO - Direct
Tuesday/May 21, 2019

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1 testified upon oath as follows:

2 THE COURT: Thank you. Have a seat. And if you
3 could talk into the microphone for us please.

4 - - -

5 DIRECT EXAMINATION

6 BY MS. SHELVEY:

7 Q. Sir, if you need to move that, it bends either way.

8 A. Yes, Ma'am.

9 Q. Sir, can you spell your first and last name, please, for
10 the record?

11 A. My first name is Edward, E-D-W-A-R-D, and my last name is
12 Xiao, X-I-A-O.

13 Q. Sir, how old are you currently?

14 A. I'm currently 20 years old.

15 Q. I want to take you back to December of 2014. How old were
16 you?

17 A. Fifteen years old.

18 Q. And on December 6th of 2014, can you tell the jury the
19 address you lived at?

20 A. 1436 Rio Grande Drive, Allen, Texas.

21 Q. And who did you live there with?

22 A. My mother and father.

23 Q. Did something happen on that day that caused you to be in
24 court today?

25 A. Yes.

RIYAZ MUHAMMAD - Direct
Tuesday/May 21, 2019

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1 **RIYAZ MUHAMMAD,**
2 **at 3:13 p.m., being first duly sworn by the**
3 **Court to tell the truth, was examined and**
4 **testified upon oath as follows:**

5 **THE COURT:** All right. Thank you. Have a seat. If
6 you could try to talk into the microphone for us.

7 **THE WITNESS:** Hello.

8 **THE COURT:** All right. Thank you.

9 And Ms. Lipman, you may proceed.

10 - - -

11 **DIRECT EXAMINATION**

12 **BY MS. LIPMAN:**

13 **Q.** Good afternoon, sir. Will you please state and spell your
14 name, for the record?

15 **A.** Riyaz Muhammad, R-I-Y-A-Z, and last name, Muhammad,
16 M-U-H-A-M-M-A-D.

17 **Q.** Mr. Muhammad, where were you living in December of 2014?

18 **A.** In City of Allen, 1213 Philip Drive.

19 **Q.** And what state is that in?

20 **A.** Texas.

21 **Q.** And what was the zip code of that?

22 **A.** 75013.

23 **Q.** Who were you living with at that time?

24 **A.** My wife and my three kids.

25 **Q.** How old are your kids now?

RIYAZ MUHAMMAD - Direct
Tuesday/May 21, 2019

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1 (Government's Exhibit 170R received into evidence.)

2 BY MS. SHELVEY, CONTINUING:

3 Q. What did you notice about the difference between your son
4 and daughter's room?

5 A. My daughter's room and master room were completely turned
6 upside down. Everything thrown out.

7 Q. What about your son's room?

8 A. Not much, just the toy box, but not much.

9 Q. What did you ultimately realize, if anything, had been
10 taken from your house?

11 A. So, I actually only lost a couple of old cell phones and
12 an old iPad, a lap-top charger, yeah.

13 Q. Were there valuable things that were left behind?

14 A. The lap-tops were. I think they were looking for gold,
15 they didn't get any gold, that's my feeling because the way
16 they took out all the dresser and everything, they were looking
17 for something, you know.

18 Q. Sir, what race or ethnicity is your family?

19 A. What's that?

20 Q. What race or ethnicity is your family?

21 A. We are Indian.

22 Q. Did there come a time when you got any of the items that
23 were stolen back?

24 A. We got most of them back, except for lap-top charger.

25 Q. About how long after this happened did you get them back?

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Wednesday/May 22, 2019

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1 (Government's Exhibit 256G received into evidence.)

2 (Government's Exhibit 256H, Photograph of Items in
3 Notebook, identified.)

4 (Government's Exhibit 256H received into evidence.)

5 (Government's Exhibit 256I, Photograph of Cell Phones and
6 Computer Battery, identified.)

7 (Government's Exhibit 256I received into evidence.)

8 (Government's Exhibit 256J, Photograph of Multiple
9 Laptops, identified.)

10 (Government's Exhibit 256J received into evidence.)

11 BY MS. SHELVEY, CONTINUING:

12 Q. 256N1?

13 A. It's a list of addresses.

14 Q. 256K?

15 A. Currency that we found inside.

16 Q. Inside the bedroom?

17 A. The bedroom, yes, Ma'am.

18 Q. 256L?

19 A. It's going to be MoneyGrams that we found located in that
20 bedroom.

21 Q. 256L. And who is the sender?

22 A. Chaka Castro.

23 Q. And who is the receiver?

24 A. Jesus Edward Mina Cuero.

25 Q. Thank you. 256M, please. What's depicted here?

SGT. KEITH COMPTON - Direct
Wednesday/May 22, 2019

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1 **A.** Receipts, MoneyGram, all things we found in that bedroom.

2 **Q.** And specifically, I want to draw your attention to the
3 left-hand side. And what were those from?

4 **A.** From Walmart.

5 **Q.** Thank you. 256N2?

6 **A.** More addresses.

7 (Government's Exhibit 256N1, Photograph of List of
8 Addresses, identified.)

9 (Government's Exhibit 256N1 received into evidence.)

10 (Government's Exhibit 256K, Photograph of Currency in
11 Bedroom, identified.)

12 (Government's Exhibit 256K received into evidence.)

13 (Government's Exhibit 256L, Photograph of MoneyGram,
14 identified.)

15 (Government's Exhibit 256L received into evidence.)

16 (Government's Exhibit 256M, Photograph of Receipts,
17 MoneyGrams and Other Items, identified.)

18 (Government's Exhibit 256M received into evidence.)

19 (Government's Exhibit 256N2, Photograph of Addresses,
20 identified.)

21 (Government's Exhibit 256N2 received into evidence.)

22 BY MS. SHELVEY, CONTINUING:

23 **Q.** And, sir, as it relates to these addresses at 256N2, were
24 any of those familiar to you?

25 **A.** Yes, Ma'am.

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Wednesday/May 22, 2019

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1 Q. Can you describe them, please?

2 A. The ones that are from Allen I recognized from working in
3 the city. But I also see that the 1436 Rio Grande Drive is
4 marked out.

5 Q. And as relates to this investigation, the 1436 Rio Grande
6 Drive in Allen, Texas, is that the same address that was the
7 home invasion where you went to this house initially because of
8 the phone ping?

9 A. Yes, Ma'am.

10 Q. And do you recognize the bottom portion here?

11 A. Yes, Ma'am.

12 Q. All right. One second, let me pull it up. Specifically,
13 do you recognize 306 Wrotham Lane, a number that's crossed out?

14 A. Yes, Ma'am.

15 Q. And how do you recognize that?

16 A. That was another address of the home invasion that
17 occurred in Allen.

18 Q. Thank you. 256P, please. And what is that, sir?

19 A. It's a Greyhound ticket.

20 Q. All right. And does that appear to be the outside envelop
21 portion of the Greyhound ticket?

22 A. Yes, Ma'am.

23 Q. And if we could go to 256Q. And do you recognize that,
24 sir?

25 A. Yes, Ma'am.

SGT. KEITH COMPTON - Direct
Wednesday/May 22, 2019

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1 Q. Was that the ticket inside the previous folder?

2 A. Yes, Ma'am.

3 (Government's Exhibit 256P, Greyhound Ticket Envelope,
4 identified.)

5 (Government's Exhibit 256P received into evidence.)

6 (Government's Exhibit 256Q, Greyhound Ticket, identified.)

7 (Government's Exhibit 256Q received into evidence.)

8 BY MS. SHELVEY, CONTINUING:

9 Q. And drawing your attention to the city portion, is there a
10 name listed there?

11 A. "Rodney Granger".

12 Q. And is there a departure date?

13 A. Departure date is December 5th of 2014.

14 Q. So, that would have been now, three days prior to your
15 being at the home at 2153 Arbor Creek?

16 A. Yes, Ma'am.

17 Q. And does it say where the departure was from to?

18 A. From Houston, Texas to Dallas, Texas.

19 Q. And specifically, what time?

20 A. 07:30 or actually 7:30 p.m.

21 Q. Okay. And what time does it arrive in Dallas?

22 A. 11:40 p.m. on December 5th of 2014.

23 Q. Thank you. Special Agent Nicol, can we please pull up
24 256N3. And if we could highlight the bottom line, please.

25 And, sir, in looking at this 1213 Philip Drive, do you

SGT. KEITH COMPTON - Direct
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1 recognize that zip code?

2 **A.** Yes, Ma'am.

3 **Q.** And what do you recognize that zip code to be?

4 **A.** That's a house located on the west side of Allen.

5 **Q.** Okay. And in terms of this investigation, is that another
6 house that was a victim of a home invasion?

7 **A.** Yes, Ma'am.

8 **Q.** Within the time frame that we're testifying about?

9 **A.** Yes, Ma'am.

10 (Government's Exhibit 256N3, Photograph of Address List
11 with Philip Drive Zip Code, identified.)

12 (Government's Exhibit 256N3 received into evidence.)

13 BY MS. SHELVEY, CONTINUING:

14 **Q.** Thank you. 256R1. Sir, I want to talk to you about three
15 separate addresses. First, the top third of the photograph.
16 And what address is crossed out?

17 **A.** 1436 Rio Grande Drive.

18 **Q.** Now, sir, that's an address we previously discussed on
19 another page, correct?

20 **A.** Yes, Ma'am.

21 **Q.** So, this isn't the same piece of paper?

22 **A.** No, Ma'am.

23 **Q.** And is this one also crossed out?

24 **A.** Yes, Ma'am.

25 **Q.** The second address that's crossed out?

1 A. 1213 Philip Drive.

2 Q. And do you recognize that zip code?

3 A. Yes, Ma'am.

4 Q. And is that the one we previously talked about on another
5 page?

6 A. Yes, Ma'am.

7 Q. Where it's also crossed out?

8 A. Yes, Ma'am.

9 Q. And that was the victim of a home invasion in December of
10 2014?

11 A. Yes, Ma'am.

12 Q. And finally, where I just squared 306 Wrotham Lane, 75013.
13 Was that address on a previous page we just spoke about?

14 A. Yes, Ma'am.

15 Q. And is that one of the home invasion areas that had been
16 hit?

17 A. Yes, Ma'am.

18 (Government's Exhibit 256R1, List of Addresses,
19 identified.)

20 (Government's Exhibit 256R1 received into evidence.)

21 BY MS. SHELVEY, CONTINUING:

22 Q. Thank you. Now, if we could look at 256R2. So, do you
23 recognize any of these zip codes?

24 A. Yes, Ma'am.

25 Q. And what zip codes do you recognize?

SGT. ²⁰⁰KEITH COMPTON - Direct
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1 A. The 75002, I recognize as Allen zip codes.

2 Q. Okay. And that's what you're referring to?

3 A. Yes, Ma'am.

4 Q. And it appears if there's a star next to that?

5 A. Yes, Ma'am.

6 Q. And if we could go down to the middle of the page, we'll
7 start at Holly Tree Lane and if we could go to where the
8 brackets are at, yes.

9 Looking at those, sir, do you recognize any of those
10 addresses?

11 A. 75035, I believe, is going to be Frisco, Texas.

12 Q. And they're making reference to the various zip codes?

13 A. Yes, Ma'am.

14 Q. Do you know what the word is next to B-E-C-I-N-O, do you
15 know what that means?

16 A. Becino?

17 Q. Yes.

18 A. No, Ma'am.

19 (Government's Exhibit 256R2, List of Addresses,
20 identified.)

21 (Government's Exhibit 256R2 received into evidence.)

22 BY MS. SHELVEY, CONTINUING:

23 Q. 256R5. And, sir, is this a separate and distinct page
24 from pages we've talked about?

25 A. Yes, Ma'am.

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1 Q. Drawing your attention to the top portion. Do you
2 recognize that address?

3 A. Yes, Ma'am.

4 Q. What do you recognize that address to be?

5 A. It's one of the addresses about home invasion in Allen?

6 Q. Is this the address that the cell phone that was stolen
7 was pinging at the Arbor Creek address?

8 A. Yes, Ma'am.

9 Q. If we could now go to the bottom portion here. And again,
10 sir, the address that's crossed out on Wrotham Lane, do you
11 recognize that?

12 A. Yes, Ma'am.

13 Q. What do you recognize that to be?

14 A. One of our addresses that had a home invasion occur at in
15 Allen.

16 (Government's Exhibit 256R5, List of Addresses,
17 identified.)

18 (Government's Exhibit 256R5 received into evidence.)

19 BY MS. SHELVEY, CONTINUING:

20 Q. Thank you. I'm going to direct your attention to 256R7.
21 And specifically, what is this area here? What is that
22 address?

23 A. Which one?

24 Q. Just what road is that? There's two that appear to be on
25 the same road?

²⁰⁰
SGT. KEITH COMPTON - Direct
Wednesday/May 22, 2019

163

1 **A.** Loch Meadow Court.

2 **Q.** Okay. And do you know what that zip code is?

3 **A.** No, Ma'am, I don't.

4 **Q.** So, it's not anywhere in the Allen area?

5 **A.** Not that I've seen, no.

6 **Q.** And do you know what, "Noche", means?

7 **A.** No, Ma'am.

8 **Q.** Do you speak any Spanish?

9 **A.** Poquito.

10 **Q.** I take it that means, "a little".

11 And, sir, going through again, were there a series in a
12 number of various photographs -- excuse me, a number of pages
13 copied?

14 **A.** I'm sorry?

15 **Q.** A number of pages with handwritten notes of addresses
16 discovered?

17 **A.** Yes, Ma'am.

18 (Government's Exhibit 256R7, List of Addresses,
19 identified.)

20 (Government's Exhibit 256R7 received into evidence.)

21 BY MS. SHELVEY, CONTINUING:

22 **Q.** And if we could go to 2560. Sir, do you recognize that?

23 **A.** Yes, Ma'am, there were watches that we found inside that
24 bedroom.

25 (Government's Exhibit 2560, Photograph of Watches Located

APPENDIX M

H.R. NO. 103 – 244

H.R. REP. 103-244, H.R. Rep. No. 244, 103RD Cong., 1ST Sess. 1993, 1993 WL 374132 (Leg.Hist.)
HATE CRIMES SENTENCING ENHANCEMENT ACT OF 1993

HOUSE REPORT NO. 103-244

September 21, 1993
[To accompany H.R. 1152]

The Committee on the Judiciary, to whom was referred the bill (H.R. 1152) to direct the United States Sentencing Commission to make sentencing guidelines for Federal criminal cases that provide sentencing enhancements for hate crimes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hate Crimes Sentencing Enhancement Act of 1993".

SEC. 2. DIRECTION TO COMMISSION.

(a) In General.—Pursuant to section 994 of title 28, United States Code, the United States Sentencing Commission shall promulgate guidelines or amend existing guidelines to provide sentencing enhancements of not less than 3 offense levels for offenses that the finder of fact at trial determines beyond a reasonable doubt are hate crimes. In carrying out this section, the United States Sentencing Commission shall assure reasonable consistency with other guidelines, avoid duplicative punishments for substantially the same offense, and take into account any mitigating circumstances which might justify exceptions.

(b) Definition.—As used in this Act, the term "hate crime" is a crime in which the defendant intentionally selects a victim, or in the case of a property crime, the property, which is the object of the crime, because of the actual or perceived race, color, religion, national origin, ethnicity, gender, or sexual orientation of any person.

EXPLANATION OF AMENDMENT

Inasmuch as H.R. 1152 was ordered reported with a single amendment in the nature of a substitute, the contents of the report constitute an explanation of that amendment.

SUMMARY AND PURPOSE

H.R. 1152 addresses the growing menace of hate crime in America by directing the United States Sentencing Commission ("Sentencing Commission") to adopt guidelines to increase, by not less than three offense levels, the sentence imposed for a Federal offense that the finder of fact at trial determines beyond a reasonable doubt to be a hate crime. "Hate crime" is defined under the bill as "a crime in which the defendant intentionally selects a victim, or in the case of a property crime, the property which is the object of the crime, because of the actual or perceived race, color, religion, national origin, ethnicity, gender, or sexual orientation of any person." Raising an offense by three severity levels translates into an average sentence enhancement of one-third real time served.¹

Need for Federal hate crime sentencing enhancements

Violence motivated by hatred of one's race, color, religion, national origin, ethnicity, gender or sexual orientation strikes at the very heart of the American conscience. It seeks to deny our most basic freedom: the right to be who we are. Yet, a veritable epidemic of hate crime is sweeping through this country at an alarming rate. A few chilling examples serve to illustrate the heinous nature of these acts:

In Raleigh, North Carolina, a twenty-four-year-old Chinese-American man was savagely beaten to death with the butt of a gun and a broken bottle by two white men who claimed they didn't like "orientals."

The Yeshiva Kerem Schlomo in the Bath Beach section of Brooklyn was viciously desecrated when four fires were set, and three pentagrams and offensive slurs, such as "Hail Satan," were scrawled throughout the building.

In Laguna Beach, California, pipe-wielding skinheads, yelling "Kill the faggot," beat a gay man unconscious and left him for dead.

In Portland, Oregon, an Ethiopian man was clubbed to death by white supremacists.

These are but a handful among many thousands of similar incidents that occur across the country each year. In other cases, victims are targeted because of their race, color, religion, national origin, ethnicity, gender, or sexual orientation in circumstances where such motive is not so blatantly expressed, but is nonetheless present.

These crimes are not ordinary crimes of violence and destruction of property. Crimes of hate transcend their immediate victims and cast a shadow of fear and terror throughout entire communities.

By all indications, the level of violence inspired by bigotry and hate is rising. According to the Anti-Defamation League of B'nai B'rith, the number of anti-semitic acts committed in this nation in 1991—1,879 reported incidents—was the highest total ever reported since such records have been kept, and the number of such incidents in 1992—1,730 reported incidents—was the second highest total ever reported. The National Gay and Lesbian Task Force Policy Institute reported that anti-gay assaults in our major cities increased by an additional four percent in 1992, with such episodes representing a 172 percent increase in anti-gay incidents in just five years. Asian Americans have noted a dramatic increase in anti-Asian violence as "Japan-bashing" has become common. Other minorities report similar, demoralizing increases.

Recognizing the gravity of the problem, Congress in 1990 passed the Hate Crime Statistics Act,² which, for the first time, sought to measure the extent of the bias-related crime in the United States. The Act directed the Attorney General to compile annual counts of the number of hate crimes across the country. The Attorney General delegated this responsibility to the Federal Bureau of Investigation ("FBI"), which has been collecting data through its Uniform Crime Reporting Program. The FBI has also trained some 1,000 law enforcement officials from more than 300 jurisdictions in identifying, reporting and responding to hate crimes.

Although the Hate Crimes Statistics Act was a bold and necessary step in countering the menace of hate crime in America, it merely indicates the scope and depth of the problem of hate crime. The Committee believes that stronger punishments are now necessary to deter these crimes of hate and bigotry. Nearly every state in the Union has some type of hate crimes statutes. These crimes should not go unpunished under Federal law.

Constitutional issues

There is no doubt as to the authority of Congress to direct the Sentencing Commission in the manner proposed by H.R. 1152. In the landmark decision of *Wisconsin v. Mitchell*,³ decided on June 11, 1993, the U.S. Supreme Court unanimously held that carefully constructed laws providing stiffer sentences for criminals who commit hate crimes do not violate the first amendment. The Court sent a clear message that when the requirements of motive and evidence are met, such that thought has crossed the line into criminal action, the Constitution is no refuge for hate.

In *Mitchell*, the Court upheld a Wisconsin hate crime sentencing enhancement statute similar to H.R. 1152, rejecting the

defendant's claim that such statutes violate the First Amendment by punishing an offender's bigoted beliefs. The Court indicated that a defendant's motive is relevant to the determination of the severity of punishment to be received for a crime. The Court noted that it is not unusual for a defendant to receive a minimal sentence because he was acting with good motives, or a stiff sentence because of evil motives.⁴ Indeed, the Court stated that "motive plays the same role under the Wisconsin [hate crime sentencing enhancement] statute as it does under federal and state antidiscrimination laws, which we have previously upheld against constitutional challenge."⁵

The Court suggested that the government's desire to redress certain harms associated with hate crimes provides an adequate explanation for penalty enhancement provisions over and above mere disagreement with offenders' beliefs or biases.⁶ Hate crime penalty enhancement statutes single out "bias inspired conduct because this conduct is thought to inflict greater individual and societal harm."⁷ The Court noted that bias-motivated crimes are viewed as more likely to provoke retaliatory crimes, inflict distinct emotional harms on their victims, and incite community unrest.

The Mitchell decision definitively resolved any doubt as to the constitutionality of hate crime sentencing enhancements—such as the Wisconsin statute to which this legislation is amendment. Such laws do not offend the Bill of Rights. Moreover, the decision made clear that the states and the Federal government are empowered to protect our citizens from the menace of hate crime.

While government may not punish thought or ideas in determining whether a person has committed a crime, consideration of motive has been generally accepted in constitutional analysis as appropriate in the determination of sentence which is just and proper. In the same manner that government is entitled to determine the relative severity of crimes committed under various circumstances, such as the age of the victim or the purpose of the defendant, the government may constitutionally consider motive in the determination of a criminal sentence.

The Committee intends the guidelines prescribed by H.R. 1152 to deter and punish the harm caused by crimes of hate, not the message, speech or content that the offender conveys. The Committee's intent is not to punish the underlying social or political opinions leading an individual to engage in acts of violence, but, rather, to punish the selection or targeting of victims based upon their race, color, religion, national origin, ethnicity, gender, or sexual orientation. Enhanced penalties for criminal conduct on the basis of a defendant's motive are permissible, notwithstanding the fact that government cannot, and should not, make it a crime for a person to hold morally reprehensible opinions or possess evil motives alone.

Duplicative punishments

H.R. 1152 directs the Sentencing Commission to "assure reasonable consistency with other guidelines, avoid duplicative punishments for substantially the same offense, and take into account any mitigating circumstances which might justify exceptions." This task is critical.

While the intent of this legislation should be read broadly to create sentencing enhancements for all offenses that the finder of fact at trial determines beyond a reasonable doubt to be hate crimes, it is the intent of the Committee that duplicative punishments for substantially the same offense assiduously be avoided. For example, it is not the intent of the Committee to make all rapes committed in Federal jurisdiction a hate crime by virtue of the fact that the defendant intentionally selected the victim, in whole or in part, because of the victim's gender. However, if the purpose of the defendant in committing the rape was to cause harm to the victim because of hate or animus toward the victim's gender, then such a rape would fall within the scope of the statute. Similarly, Federal fraud crimes committed against one particular ethnic or religious group due solely to the defendant's belief that all members of that group are wealthy, absent any hate or animus toward that group, are not hate crimes. If such crimes were motivated by hatred toward the group, however, they might be shown to be hate crimes.

In order to constitute a hate crime, the selection of a victim or, in the case of a property crime, the property which is the object of the crime, must result from the defendant's hate or animus toward any person for bearing one or more of the characteristics set forth in the definition of "hate crime." Any other result would risk the imposition of unacceptable duplicative punishments upon defendants for substantially the same offense. H.R. 1152 directs the Sentencing Commission to avoid such duplicative punishments wherever they may arise under this bill.

Victims

As used in the definition of "hate crime," the Committee intends that the term "victim" be read broadly. Any Federal offense can constitute a hate crime. The sentencing enhancement provided under this bill is applicable to all Federal offenses that constitute such crimes, and the Committee does not intend to exclude from application of this sentencing enhancement what are generally thought to be "victimless" crimes, such as money laundering offenses, unlawful sales of firearms, or unlawful distribution of explosives. To effect this intent, the term "victim" must be interpreted broadly.

SUBCOMMITTEE ACTION

On March 2, 1993, the Subcommittee on Crime and Criminal Justice, by a roll call vote of 9 to 4, a quorum being present, ordered reported as a clean bill, H.R. 1152, the "Hate Crimes Sentencing Enhancement Act of 1993."

COMMITTEE ACTION

On July 27, 1993, the Committee, by voice vote, a quorum being present, adopted an amendment in the nature of a substitute to H.R. 1152, and ordered the bill, H.R. 1152, reported favorably as amended.

SECTION-BY-SECTION ANALYSIS

Section 1 provides that the Act may be cited as the "Hate Crimes Sentencing Enhancement Act of 1993."

Section 2 directs the United States Sentencing Commission to promulgate guidelines or amend existing guidelines to provide sentencing enhancements of not less than three offense levels of offenses that the finder of fact at trial determines beyond a reasonable doubt are hate crimes. In carrying out this section, the Commission is directed to assure reasonable consistency with other guidelines, avoid duplicative punishments for substantially the same offense, and take into account any mitigating circumstances which might justify exceptions.

The term "hate crime" is defined as a crime in which the defendant intentionally selects a victim, or in the case of a property crime, the property which is the object of the crime, because of the actual or perceived race, color, religion, national origin, ethnicity, gender, or sexual orientation of any person.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 2(l)(3)(A) of the rule XI of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

COMMITTEE ON GOVERNMENT OPERATIONS OVERSIGHT FINDINGS

No findings or recommendations of the Committee on Government Operations were received as referred to in clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 2(l)(3)(B) of House Rule XI is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 2(l)(C)(3) of rule XI of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill H.R. 1152, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974:

U.S. Congress,
Congressional Budget Office,
Washington, DC, August 12, 1993.

Hon. Jack Brooks,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has reviewed H.R. 1152, the Hate Crimes Sentencing Enhancement Act of 1993, as ordered reported by the House Committee on the Judiciary on July 27, 1993. We estimate that enactment of the bill would result in costs to the federal government of less than \$500,000 annually, assuming appropriation of the necessary funds. Enactment of the bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 1152 would direct the United States Sentencing Commission to provide sentencing enhancements of not less than three offense levels for offenses that are hate crimes. A hate crime is defined as one in which the offender's conduct was motivated by prejudice based on the actual or perceived race, color, religion, national origin, ethnicity, gender, or sexual orientation of another individual.

Increasing prescribed sentences for hate crimes would result in longer prison terms for convicted offenders and thus increased costs to the Bureau of Prisons. In cases affected by the bill, we expect that the typical prison term would increase by several months, resulting in a cost to the federal government of less than \$10,000 per prisoner affected. We do not expect the United States Attorneys to successfully prosecute more than a few dozen of these cases annually. Therefore, we estimate that the increased cost to the federal government would be less than \$500,000 annually.

CBO estimate that enactment of H.R. 1152 would result in no cost to state or local governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz,

Sincerely,

Robert D. Reischauer, Director.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that H.R. 1152 will have no significant inflationary impact on prices and costs in the national economy.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, the Committee reports that the bill H.R. 1152 does not change existing law.

1 As introduced, H.R. 1152 was identical to a bill that previously passed the House of Representatives, by voice vote, on October 3, 1992, See H.R. 4797, 102nd Cong., 2d Sess. (1992). See also H.R. Rep. 981, 102nd Cong., 2d Sess. (1992). Two hearings relating to H.R. 4797 were held on May 11, 1992 and July 29, 1992. See *Bias Crimes: Hearings Before the Subcomm. on Crime and Criminal Justice of the House Comm. on the Judiciary, 102nd Cong., 2d Sess. (1992)*; *Hate Crimes Sentencing Enhancement Act of 1992: Hearings on H.R. 4797 Before the Subcomm. on Criminal Justice of the House Committee on the Judiciary 102nd Cong., 2d Sess. (1992)*.

2 Pub. L. No. 101-275, S 1(b)(1), 104 Stat. 140 (1990). See 28 U.S.C. S 534 (note)(Supp. 1993). The Hate Crime Statistics Act directed the Attorney General to acquire data about crimes that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity.

H.R. REP. 103-244, H.R. REP. 103-244 (1993)

3 508 U.S. ____, 124 L.Ed.2d 436, 113 S. Ct. ____ (1993).

4 508 U.S. at ____, 124 L.Ed.2d at 445, 113 S. Ct. at ____.

5 508 U.S. at ____, 124 L.Ed.2d at 446, 113 S. Ct. at ____.

6 508 U.S. at ____, 124 L.Ed.2d at 447, 113 S. Ct. at ____.

7 508 U.S. at ____, 124 L.Ed.2d at 447, 113 S. Ct. at ____.

H.R. REP. 103-244, H.R. Rep. No. 244, 103RD Cong., 1ST Sess. 1993, 1993 WL 374132 (Leg.Hist.)

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APPENDIX N

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CASE NO. 15-cr-20200
HON. LAURIE J. MICHELSON

D-1 CHAKA LeCHAR CASTRO
a/k/a “Chaquita,” “Chacarita,” “Mina,”
“Chsca”

18 U.S.C. § 1962(d)
18 U.S.C. § 1959(a)(3)
18 U.S.C. § 924(c)
18 U.S.C. § 2

Defendant.

SECOND SUPERSEDING INDICTMENT

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

v.

No. 15-20200
HON. LAURIE J. MICHELSON

D-1	CHAKA LeCHAR CASTRO, a/k/a "Chaquita," "Chacarita," "Mina," "Chsca,"	18 U.S.C. § 1962(d) 18 U.S.C. § 1959(a)(3) 18 U.S.C. § 924(c)
D-2	JUAN OLAYA a/k/a "Fernando," "Johnathan,"	18 U.S.C. § 2
D-3	OCTAVIUS SCOTT, a/k/a "Tae,"	
D-4	RODNEY GRANGER,	
D-5	JOHNISHA WILLIAMS, a/k/a "Mimi," "Nisha,"	
D-7	JUSTIN JOHNSON,	

FILED
2015 DEC 16 PM 4:23
CLERK OF COURT
U.S. DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SECOND SUPERSEDING INDICTMENT

THE GRAND JURY CHARGES:

PART I – THE RACKETEERING CONSPIRACY

COUNT ONE

18 U.S.C. §1962(d) – RICO CONSPIRACY

D-1 CHAKA CASTRO
D-2 JUAN OLAYA
D-3 OCTAVIUS SCOTT
D-4 RODNEY GRANGER
D-5 JOHNISHA WILLIAMS
D-7 JUSTIN JOHNSON

Background

At all times relevant to this Superseding Indictment:

1. The defendants CHAKA CASTRO, JUAN OLAYA, OCTAVIUS SCOTT, RODNEY GRANGER, JOHNISHA WILLIAMS, Jakerya Augustus, JUSTIN JOHNSON, and others known and unknown to the Grand Jury, were members and associates of the "Castro enterprise," a criminal organization, which was engaged in, among other things, acts of violence, robbery, money laundering, and interstate transportation of stolen property, and which operated in the states of Michigan, Texas, Georgia, New York, Ohio, and elsewhere.

2. The "Castro enterprise" was organized and led by CHAKA CASTRO, who resides in Texas. CASTRO identified numerous robbery targets throughout the United States and then recruited and assigned enterprise members to specific identified robbery targets. These enterprise members were organized into crews to carry out the robberies. These robbery crews usually consisted of three to four enterprise members.

3. The "Castro enterprise" almost exclusively targeted families of Asian or Indian ancestry for robbery.

4. The "Castro enterprise" utilized a specific modus operandi for the robberies. Once the enterprise members made entry into the home of

their intended victims, they immediately corralled the victims, including children, into one location in the home. The members would then restrain the victims with duct tape and threats of violence.

5. The "Castro enterprise" members openly carried and brandished firearms in each of the robberies. Some enterprise members also disguised their appearance with clothing and bandanas so robbery victims would have difficulty identifying them. They wore gloves to protect against leaving trace evidence and fingerprints. During some of the robberies, enterprise members took the additional step of attempting to disguise their voices.

6. The "Castro enterprise" members stole money, jewelry, and electronics in the robberies. A portion of the stolen money, or money obtained from the sale of stolen property, was sent via Western Union or pre-paid money cards directly to CASTRO. The group would then travel over state lines with the rest of the proceeds, a certain percentage of which the group provided to CASTRO.

7. It was part of the conspiracy that CHAKA CASTRO, JUAN OLAYA, OCTAVIUS SCOTT, RODNEY GRANGER, JOHNISHA WILLIAMS, Jakerya Augustus, JUSTIN JOHNSON, and others known and unknown to the Grand Jury, agreed that a conspirator would commit at

least two acts of racketeering activity in the conduct of the affairs of the enterprise.

The Enterprise

8. At all times relevant to this Count of this Superseding Indictment, there existed in the Eastern District of Michigan, and elsewhere, a criminal organization, namely the "Castro enterprise." This organization, including its leadership, members and associates, constituted an enterprise, as defined by Title 18, United States Code, Section 1961(4), that is, a group of individuals associated in fact, the activities of which affected interstate and foreign commerce, consisting of defendants, CHAKA CASTRO, JUAN OLAYA, OCTAVIUS SCOTT, RODNEY GRANGER, JOHNISHA WILLIAMS, Jakerya Augustus, JUSTIN JOHNSON, unindicted co-conspirators A, B, and C, and others known and unknown to the Grand Jury. The enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise.

9. In addition to being members of the enterprise, the defendants served in various roles within the enterprise, including the following:

a. CHAKA CASTRO was the leader and organizer of the enterprise. She recruited new members, researched potential victims, and

directed the robbery crews to the specific home addresses of these targeted victims of Asian or Indian ancestry.

b. JUAN OLAYA was the leader of the robbery crews who coordinated with CASTRO to identify potential victims and organized other enterprise members with specific tasks before, during, and after the robberies, and coordinated the movement of stolen property and laundering of robbery proceeds.

c. OCTAVIUS SCOTT was an active participant in the enterprise's activities, including the renting of cars, surveillance, robberies, and movement of stolen property.

d. RODNEY GRANGER was an active participant in the enterprise's activities, including robberies.

e. JOHNISHA WILLIAMS was an active participant in the enterprise's activities, including acting as a decoy and look out during robberies.

f. Jakerya Augustus was an active participant in the enterprise's activities, including acting as a decoy and look out during robberies.

g. JUSTIN JOHNSON was an active participant in the enterprise's activities, including robberies.

Purposes of the Enterprise

10. The purposes of the "Castro enterprise" included, but were not limited to, the following:

- a. Enriching the leaders, members, and associates of the enterprise through among other things, acts of violence, robbery, money laundering, and the interstate transportation of stolen goods;
- b. Keeping victims in fear of the enterprise through threats of violence and actual violence; and
- c. Disguising and protecting the financial proceeds of the enterprise's racketeering activity by laundering the stolen funds and moneys received from the sale of stolen goods via wire transfer or pre-paid money cards.

Manner and Means of the Enterprise

11. The manner and means used by the enterprise to further the goals of the enterprise and achieve its purposes included, but were not limited to, the following:

- a. Enterprise members and associates identified families of Asian and Indian ancestry in cities and states throughout the United States;

b. Once the victims were identified, enterprise members organized plans to rob the victims of jewelry, cash, and other goods in their homes;

c. Enterprise members and associates conducted surveillance on the residences of identified victims to ensure that their targets resided at that address;

d. Enterprise members and associates stole firearms, jewelry, money, and other goods from the homes of individuals by armed robbery;

e. Enterprise members and associates used bandanas, masks and gloves to conceal their identity and limit the trace evidence left behind during the robberies;

f. Enterprise members and associates used a driver as both a lookout during the robbery and means of escape after the robbery;

g. Enterprise members and associates used violence, threats of violence, and weapons, including firearms, to rob the families;

h. Enterprise members and associates often used mobile phones to communicate with one another;

i. Enterprise members and associates traveled and transported stolen jewelry, money, and other goods across state lines and

made phone calls in interstate commerce to further the goals of the enterprise;

j. Enterprise members and associates sold the stolen goods to individuals and commercial establishments in New York, Texas, and elsewhere and then split the proceeds of their unlawful activities;

k. Enterprise members and associates laundered the proceeds to promote their unlawful activities by, among other means, using Western Union and pre-paid money cards to move the proceeds among enterprise members and associates; and

l. Enterprise members and associates used rental vehicles and personal vehicles during the course of the robberies and surveillance operations. Enterprise members and associates also changed vehicles during the course of the robberies and surveillance operations to avoid detection.

The Racketeering Conspiracy

12. From a date unknown, but at least from in or about April 2011 and continuing to on or about December 11, 2014, both dates being approximate and inclusive, within the Eastern District of Michigan and elsewhere, defendants,

CHAKA CASTRO
JUAN OLAYA
OCTAVIUS SCOTT
RODNEY GRANGER
JOHNISHA WILLIAMS
JAKERYA AUGUSTUS
JUSTIN JOHNSON

and others known and unknown to the grand jury, being persons employed by and associated with the "Castro enterprise," which enterprise is described more fully above, which was engaged in, and the activities of which affected, interstate and foreign commerce, did knowingly, willfully, and unlawfully combine, conspire, confederate, and agree with one another to violate Title 18, United States Code, Section 1962(c), that is, being persons associated with the enterprise, as more fully described hereinafter, the defendants did agree to conduct and participate, directly and indirectly, in the conduct of the affairs of said enterprise through a pattern of racketeering activity, as defined in Title 18, United States Code, Section 1961(1) and (5), consisting of:

a. Multiple threats and acts involving:

(1) Robbery, in violation of Michigan Compiled Laws, Sections 750.529, 750.530, 750.88, 750.89, 750.157a(a), 750.92, and 767.39, Texas Penal Code, Sections 29.02, 29.03, 15.01, 15.02, 7.01;

Georgia Code Annotated, Sections 16-8-41, 16-5-21, 16-4-1, 16-4-8, 16-2-21, and New York Penal Code Sections 160.15, 110.00, 105.15, 20.00.

b. Multiple acts indictable under the following provisions of federal law:

(1) 18 U.S.C. § 1956(a)(1)(A)(i) (laundering of monetary instruments);

(2) 18 U.S.C. § 2314 (transportation of stolen goods or other property); and

(3) 18 U.S.C. § 2315 (sale or receipt of stolen goods or other property).

Overt Acts

In furtherance of the conspiracy, and to affect the object and purposes thereof, the defendants, and others known and unknown to the grand jury, committed various overt acts, including but not limited to the following

(1) On or about May 9, 2011, several hundred thousands of dollars of jewelry and other valuables were taken from Family O.

(2) On or about May 12, 2011, CHAKA CASTRO was found in Tennessee in possession of jewelry that had been reported stolen on May 9, 2011 from Family O's residence on Twickenham Drive, Beachwood,

Ohio. CHAKA CASTRO also possessed a notebook that contained handwritten lists of addresses, including addresses in Georgia.

(3) On or about May 9, 2011, CHAKA CASTRO sent money via Western Union to unindicted co-conspirator C.

(4) On or about April 27, 2011, individuals, unknown to the grand jury, entered the home of Family P located on Abbotts Oak Way in Duluth, Georgia and took valuables from Family P's residence.

(5) On or about May 7, 2011, individuals, unknown to the grand jury, entered the home of Family Q located on Anniston Court in Marietta, Georgia.

(6) On or about May 7, 2011, individuals, unknown to the grand jury, bound Family Q and stole jewelry and valuables from Family Q.

(7) On or about May 27, 2011, individuals, unknown to the grand jury, entered the home of Family R located on Cameron Creek Way in Marietta, Georgia.

(8) On or about May 27, 2011, individuals, unknown to the grand jury, took jewelry and valuables from the home of Family R.

(9) In or about May and June of 2011, CHAKA CASTRO sent to unindicted co-conspirator A addresses in Marietta and Duluth, Georgia, including the addresses for the homes of Family Q and Family R.

(10) On or about June 10, 2011, unindicted co-conspirator A entered the residence of Family S on Grassmeade Way, in Snellville, Georgia.

(11) Unindicted co-conspirator A left his cell phone in Family S's residence in Snellville, Georgia.

(12) During May 2011, CHAKA CASTRO made multiple calls to unindicted co-conspirators A and B.

(13) On or about September 28, 2011, individuals, unknown to the grand jury entered the residence of Family T on Nash Lee Court in Lilburn, Georgia and fled the residence in a Honda Civic with license plate number BTI4106.

(14) On or about December 1, 2011, CHAKA CASTRO was stopped by Georgia law enforcement driving a Honda Civic, license plate number BTI4106, on and in the vicinity of Collins Lake Way in Mableton, Georgia.

(15) On or about December 27, 2011, unindicted co-conspirators A, B, and other individuals unknown to the grand jury, entered the Family U's residence on Collins Lake Way in Mableton, Georgia.

(16) On or about December 27, 2011, CHAKA CASTRO sent money via Western Union to unindicted co-conspirator C.

(17) On or about December 27, 2011, unindicted co-conspirators A, B, and other individuals, unknown to the grand jury, held Family U at gunpoint and bound them.

(18) On or about December 27, 2011, unindicted co-conspirators A, B, and other individuals, unknown to the grand jury, stole cash, jewelry, and electronics from Family U.

(19) On or about December 28, 2011, unindicted co-conspirators A, B, and individuals unknown to the grand jury, entered the residence of Family V on Windsor Drive in Roswell, Georgia.

(20) On or about December 28, 2011, unindicted co-conspirators A, B, and other individuals, unknown to the grand jury, bound and held Family V at gun point.

(21) In or about 2011, CHAKA CASTRO and unindicted co-conspirators A and B sold jewelry stolen from various home invasions to a shop in the Atlanta area of Georgia.

(22) In or about April 2014, CHAKA CASTRO obtained a subscription to Publicdata.com.

(23) In or about July 2014, CHAKA CASTRO had a discussion with OCTAVIUS SCOTT and JUSTIN JOHNSON in order to interview both for entry into the "Castro enterprise."

(24) On or about August 17, 2014, JUAN OLAYA, OCTAVIUS SCOTT, and JUSTIN JOHNSON entered the residence of Family K on Wellsley Lane in Dallas, Georgia.

(25) On or about August 17, 2014, JUAN OLAYA, OCTAVIUS SCOTT, and JUSTIN JOHNSON held Family K at gunpoint and bound Family K with duct tape.

(26) On or about August 17, 2014, JUAN OLAYA, OCTAVIUS SCOTT, and JUSTIN JOHNSON stole cash, jewelry, and electronics from Family K.

(27) On or about August 18, 2014, JUSTIN JOHNSON acted as a lookout for JUAN OLAYA and OCTAVIUS SCOTT outside the residence of Family L on Barberry Drive in Milton, Georgia.

(28) On or about August 18, 2014, JUAN OLAYA and OCTAVIUS SCOTT entered the residence of Family L on Barberry Drive in Milton, Georgia.

(29) On or about August 18, 2014, JUAN OLAYA, and OCTAVIUS SCOTT held victim L-1 at gun point and bound victim L-1 with duct tape.

(30) On or about August 18, 2014, JUAN OLAYA, OCTAVIUS SCOTT, and JUSTIN JOHNSON took money, jewelry, and electronics from Family L.

(31) On or about August 19, 2014, JUSTIN JOHNSON acted as a lookout for JUAN OLAYA and OCTAVIUS SCOTT outside the home of Family M.

(32) On or about August 19, 2014, JUAN OLAYA and OCTAVIUS SCOTT forcibly entered the residence of Family M on Lakepoint Lane in Fayetteville, Georgia.

(33) On or about August 19, 2014, JUAN OLAYA and OCTAVIUS SCOTT, assaulted victim M-1, held the family at gunpoint, and bound them with duct tape.

(34) On or about August 19, 2014, JUAN OLAYA, OCTAVIUS SCOTT, and JUSTIN JOHNSON took money, electronics, and jewelry away from Family M's residence located on Lakepoint Lane in Fayetteville, Georgia.

(35) On or about August 18, 2014, CHAKA CASTRO sent money to unindicted co-conspirator C.

(36) In or about October 2014, CHAKA CASTRO provided addresses of potential robbery targets to JUAN OLAYA.

(37) On or about October 29, 2014, JUSTIN JOHNSON sent a Western Union money gram to CHAKA CASTRO.

(38) On or about October 31, 2014, JUAN OLAYA, OCTAVIUS SCOTT, JUSTIN JOHNSON, and JOHNISHA WILLIAMS forcibly entered the home of Family N located on Beach Street in Nassau County, New York.

(39) On or about October 31, 2014, JUAN OLAYA, OCTAVIUS SCOTT, JUSTIN JOHNSON, and JOHNISHA WILLIAMS held Family N at gun point and bound them with duct tape.

(40) On or about October 31, 2014, JUAN OLAYA, OCTAVIUS SCOTT, JUSTIN JOHNSON, and JOHNISHA WILLIAMS stole cash, jewelry, and electronics from Family N.

(41) On or about October 31, 2014, JUSTIN JOHNSON sent a Western Union money gram to CHAKA CASTRO.

(42) On or about November 24, 2014, OCTAVIUS SCOTT and Jakerya Augustus rented a vehicle from Enterprise Rental Company in Ypsilanti, Michigan.

(43) On or about November 23, 2014 through November 26, 2014, JUAN OLAYA, OCTAVIUS SCOTT, and Jakerya Augustus conducted surveillance on potential robbery targets.

(44) On or about November 24, 2014, CHAKA CASTRO provided JUAN OLAYA with a list of addresses for the crew to select from for their robbery targets.

(45) On or about November 24, 2014, JUAN OLAYA and OCTAVIUS SCOTT broke a glass window and forcibly entered the residence of Family A located on Trillium Woods Drive in Ann Arbor, Michigan.

(46) On or about November 24, 2014, JUAN OLAYA and OCTAVIUS SCOTT forced victims A-1 and A-2 at gunpoint into their bathroom where they bound victims A-1 and A-2 with duct tape.

(47) On or about November 24, 2014, JUAN OLAYA, OCTAVIUS SCOTT and Jakerya Augustus took money, electronics, and jewelry away from Family A's residence located on Trillium Woods Drive in Ann Arbor, Michigan.

(48) On or about November 24, 2014, Jakerya Augustus acted as a lookout for JUAN OLAYA and OCTAVIUS SCOTT outside of Family A's residence on Trillium Woods Drive in Ann Arbor, Michigan.

(49) On or about November 25, 2014, Jakerya Augustus knocked on the front door of Family B's residence on Plainview Street in Ypsilanti, Michigan.

(50) On or about November 25, 2014, JUAN OLAYA, Jakerya Augustus, and OCTAVIUS SCOTT entered Family B's residence located on Plainview Street in Ypsilanti, Michigan.

(51) On or about November 25, 2014, JUAN OLAYA and OCTAVIUS SCOTT held victim B-1 at gunpoint and assaulted victim B-2 before binding both men with duct tape.

(52) On or about November 25, 2014, JUAN OLAYA, OCTAVIUS SCOTT, and Jakerya Augustus took money, firearms, electronics, and other items away from Family B's residence located at Plainview Street in Ypsilanti, Michigan.

(53) On or about November 26, 2014, Jakerya Augustus knocked on the front door of Family C's residence on Lothrop Road in Canton, Michigan. (54) On or about November 26, 2014, JUAN OLAYA and OCTAVIUS SCOTT entered Family C's residence on Lothrop Road in Canton, Michigan.

(55) JUAN OLAYA and OCTAVIUS SCOTT assaulted victim C-1 and held victims C-1 and C-2 at gunpoint in the laundry room where victims C-1 and C-2 were bound with duct tape.

(56) On or about November 26, 2014, JUAN OLAYA, OCTAVIUS SCOTT, and Jakerya Augustus took money, jewelry, and electronics away from Family C's residence located on Lothrop Road in Canton, Michigan.

(57) On or about November 26, 2014, Jakerya Augustus knocked on the front door of Family D's residence located on Arlington Boulevard in Ann Arbor, Michigan.

(58) On or about November 26, 2014, JUAN OLAYA, OCTAVIUS SCOTT, and Jakerya Augustus entered Family D's residence on Arlington Boulevard in Ann Arbor, Michigan.

(59) On or about November 26, 2014, JUAN OLAYA and OCTAVIUS SCOTT forced Family D at gunpoint into the basement where they bound the entire family, including the children, with duct tape.

(60) On or about November 26, 2014, JUAN OLAYA, OCTAVIUS SCOTT and Jakerya Augustus took money, including foreign currency, jewelry, electronics, and a young boy's piggybank away from Family D's residence on Arlington Boulevard in Ann Arbor, Michigan.

(61) On or about November 26, 2014, CHAKA CASTRO sent money via Western Union to unindicted co-conspirator C.

(62) On or about November 28, 2014, CHAKA CASTRO discussed with JUAN OLAYA the stolen items and jewelry from a robbery the crew had committed within the Eastern District of Michigan.

(63) On or about December 3, 2014, OCTAVIUS SCOTT returned a rental vehicle to an Enterprise location in Houston, Texas.

(64) On or about December 5, 2014, CHAKA CASTRO sent JUAN OLAYA a list of addresses in Texas.

(65) On or about December 5, 2014, CHAKA CASTRO, JUAN OLAYA, OCTAVIUS SCOTT, and JOHNISHA WILLIAMS drove from Houston, Texas to the Dallas/Ft. Worth area for the purpose of conducting robberies.

(66) On or about December 5, 2014, JUAN OLAYA, OCTAVIUS SCOTT, and JOHNISHA WILLIAMS entered Family E's residence on Abbey Court in Coppell, Texas.

(67) On or about December 5, 2014, JUAN OLAYA and OCTAVIUS SCOTT held Family E at gun point and bound them with duct tape.

(68) On or about December 5, 2014, JUAN OLAYA, OCTAVIUS SCOTT, and JOHNISHA WILLIAMS took money, purses, jewelry, electronics, and other items away from Family E's residence located on Abbey Court, Coppell, Texas.

(69) On or about December 5, 2014, JUAN OLAYA, OCTAVIUS SCOTT and JOHNISHA WILLIAMS gave proceeds from the robbery to CHAKA CASTRO.

(70) On or about December 5, 2014 through December 7, 2014, CHAKA CASTRO sent addresses in the Dallas/Ft. Worth, Texas area to JUAN OLAYA.

(71) On or about December 6, 2014, JUAN OLAYA, RODNEY GRANGER, and OCTAVIUS SCOTT entered the garage of Family F's residence on Rio Grande Drive in Allen, Texas.

(72) On or about December 6, 2014, victim F-1 was dragged into his home at gunpoint, thrown to the floor, and bound with duct tape. Two other family members were also dragged next to victim F-1 and bound with duct tape.

(73) On or about December 6, 2014, JUAN OLAYA, OCTAVIUS SCOTT, RODNEY GRANGER, and JOHNISHA WILLIAMS took money, jewelry, and electronics from Family F's residence located on Rio Grande Drive, Allen, Texas.

(74) On or about December 6, 2014, JOHNISHA WILLIAMS acted as the lookout for JUAN OLAYA, RODNEY GRANGER, and OCTAVIUS

SCOTT while they robbed Family F's residence located on Rio Grande Drive in Allen, Texas.

(75) On or about December 6, 2014, JUAN OLAYA, RODNEY GRANGER, and OCTAVIUS SCOTT entered Family G's residence on Phillip Drive in Allen, Texas through a door they broke to gain access.

(76) On or about December 6, 2014, JUAN OLAYA, OCTAVIUS SCOTT, RODNEY GRANGER, and JOHNISHA WILLIAMS took money, jewelry, and electronics away from Family G's residence on Phillip Drive, Allen, Texas.

(77) On or about December 6, 2014, JOHNISHA WILLIAMS acted as a look out and getaway driver for JUAN OLAYA, RODNEY GRANGER, and OCTAVIUS SCOTT as they robbed Family G's residence on Phillip Drive in Allen, Texas.

(78) On or about December 6, 2014, JOHNISHA WILLIAMS knocked on the front door Family H's residence on Wrotham Drive in Allen, Texas.

(79) On or about December 6, 2014, when victim H-1 answered the door, JUAN OLAYA, RODNEY GRANGER, and OCTAVIUS SCOTT entered Family H's residence on Wrotham Drive in Allen, Texas, held the Family H at gun point, and bound Family H with duct tape.

(80) On or about December 6, 2014, JUAN OLAYA, RODNEY GRANGER, and OCTAVIUS SCOTT took jewelry, electronics, and other items away from Family H's residence on Wrotham Drive in Allen, Texas.

(81) On or about December 6, 2014, JUAN OLAYA, OCTAVIUS SCOTT, RODNEY GRANGER, and JOHNISHA WILLIAMS returned proceeds from the robberies to CHAKA CASTRO.

(82) On or about December 6, 2014, CHAKA CASTRO sent money via Western Union to unindicted co-conspirator C.

(83) On or about December 7, 2014, CHAKA CASTRO provided JUAN OLAYA with additional addresses in the Dallas/Ft. Worth area of Texas.

(84) On or about December 7, 2014, JOHNISHA WILLIAMS acted as a lookout for JUAN OLAYA, RODNEY GRANGER, and OCTAVIUS SCOTT at Family I's residence located on Loch Meadow Court, Southlake, Texas.

(85) On or about December 7, 2014, JUAN OLAYA, RODNEY GRANGER, and OCTAVIUS SCOTT took jewelry, electronics, and other items away from Family I's residence on Loch Meadow Court in Southlake, Texas.

(86) On or about December 7, 2014, JOHNISHA WILLIAMS knocked on the front door of Family J's residence on Suncrest Drive in Flower Mound, Texas.

(87) On or about December 7, 2014, JUAN OLAYA, RODNEY GRANGER, and OCTAVIUS SCOTT entered Family J's residence on Suncrest Drive in Flower Mound, Texas.

(88) On or about December 7, 2014, JUAN OLAYA, RODNEY GRANGER, and OCTAVIUS SCOTT assaulted victim J-1, held the family at gunpoint, and bound them with duct tape.

(89) On or about December 7, 2014, JUAN OLAYA, RODNEY GRANGER, and OCTAVIUS SCOTT took jewelry away from Family J's residence on Suncrest Drive in Flower Mound, Texas.

(90) On or about December 7, 2014, JOHNISHA WILLIAMS, while acting as a lookout, communicated to JUAN OLAYA, OCTAVIUS SCOTT, and RODNEY GRANGER that law enforcement was responding to Family J's residence on Suncrest Drive in Flower Mound, Texas.

(91) On or about December 7, 2014, JUAN OLAYA, RODNEY GRANGER, and OCTAVIUS SCOTT assaulted J.V. and forced him out of his vehicle at a residence on Sunswept Terrace in Flower Mound, Texas.

(92) On or about December 7, 2014, JUAN OLAYA, RODNEY GRANGER, and OCTAVIUS SCOTT stole a Nissan Versa from J.V.

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

Notice of Acts with Enhanced Sentencing

Between in or about April 2014 through on or about December 11, 2014, in the Eastern District of Michigan, and elsewhere, enterprise members CHAKA CASTRO, JUAN OLAYA, OCTAVIUS SCOTT, RODNEY GRANGER, JOHNISHA WILLIAMS and Jakerya Augustus, aided and abetted by each other and by others known and unknown to the grand jury, engaged in conduct as proscribed in Michigan Compiled Law Section 750.529, that is, in the course of committing a larceny of any money and property that may be the subject of larceny did, in the course of engaging in that conduct possess a dangerous weapon, and an article used and fashioned in a manner to lead any person present to reasonably believe the article was a dangerous weapon, and represented orally or otherwise that he or she was in possession of a dangerous weapon, all in violation of Michigan Compiled Laws, Sections 750.529 and 750.530 and engaged in conduct as proscribed in Michigan Compiled Law Section 750.89, that is, being armed with a dangerous weapon, and any article used and fashioned in a manner to lead a person so assaulted reasonably to believe it to be a

dangerous weapon, did assault another with intent to rob and steal, all in violation of Michigan Compiled Laws, Section 750.89.

Between in or about April 2011 through on or about December 11, 2014, in the Eastern District of Michigan, and elsewhere, enterprise members CHAKA CASTRO, JUAN OLAYA, OCTAVIUS SCOTT, and JUSTIN JOHNSON, aided and abetted by each other and by others known and unknown to the grand jury, engaged in conduct as proscribed in Georgia Code Annotated Section 16-8-41, that is, with the intent to commit theft, he or she takes property of another from the person and the immediate presence of another by use of an offensive weapon, and any replica, article, and device having the appearance of a weapon, all in violation of Georgia Code Annotated, Section 16-8-41.

COUNT TWO

18 U.S.C. §§ 1959(a)(3); 2 - *Assault with a Dangerous Weapon in Aid of Racketeering*

D-1 CHAKA CASTRO
D-2 JUAN OLAYA
D-3 OCTAVIUS SCOTT

1. At all times relevant to this Superseding Indictment, there existed an enterprise, the "Castro enterprise," as more fully described in Paragraphs One through Seven and Nine through Eleven of this Indictment, which are re-alleged and incorporated by reference as though

set forth fully herein. The leadership, members, and associates of the enterprise 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 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 Superseding Indictment, the above-described enterprise, the "Castro enterprise," through its members and associates, engaged in racketeering activity as defined in Title 18, United States Code, Section 1959(b)(1) and 1961 (1), namely,

a. Multiple threats and acts involving:

- (1) Robbery, in violation of Michigan Compiled Laws, Sections 750.529, 750.530, 750.88, 750.89, 750.157a(a), 750.92, and 767.39 and Texas Penal Code, Sections 29.02, 29.03, 15.01, 15.02, 7.01; Georgia Code Annotated, Sections 16-8-41, 16-5-21, 16-4-1, 16-4-8, 16-2-21, and New York Penal Code Sections 160.15, 110.00, 105.15, and 20.00.

b. Multiple acts indictable under the following provisions of federal law:

- (1) 18 U.S.C. § 1956 (laundering of monetary instruments);
- (2) 18 U.S.C. § 2314 (transportation of stolen goods or other property); and
- (3) 18 U.S.C. § 2315 (sale or receipt of stolen goods or other property).

3. On or about November 24, 2014, in the Eastern District of Michigan, defendants, CHAKA CASTRO, JUAN OLAYA, OCTAVIUS SCOTT, and Jakerya Augustus, aided and abetted each other and others known and unknown to the Grand Jury, did, for the purpose of gaining entrance to and maintaining and increasing position within the "Castro enterprise," an enterprise engaged in racketeering activity, knowingly and unlawfully assault victims A-1 and A-2, with a dangerous weapon, in violation of Michigan Compiled Laws, Section 750.82 and 767.39.

All in violation of 18 U.S.C. §§ 1959(a)(3) and 2.

COUNT THREE

18 U.S.C. § 924(c) – *Use and Carry of a Firearm During, and in Relation to, a Crime of Violence*

D-1 CHAKA CASTRO
D-2 JUAN OLAYA
D-3 OCTAVIUS SCOTT

On or about November 24, 2014, in the Eastern District of Michigan and elsewhere, defendants, CHAKA CASTRO, JUAN OLAYA, OCTAVIUS SCOTT, and Jakerya Augustus, did aid and abet each other in knowingly, intentionally, and unlawfully using and carrying a firearm during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, that is, assault with a dangerous weapon in aid of racketeering as alleged in Count Two of this Superseding Indictment, and said firearm was brandished, in violation of Title 18, United States Code, Sections 924(c) and 2.

COUNT FOUR

18 U.S.C. §§ 1959(a)(3); 2 - *Assault with a Dangerous Weapon in Aid of Racketeering*

D-1 CHAKA CASTRO
D-2 JUAN OLAYA
D-3 OCTAVIUS SCOTT

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

2. On or about November 25, 2014, in the Eastern District of Michigan, defendants, CHAKA CASTRO, JUAN OLAYA, OCTAVIUS SCOTT, and Jakerya Augustus, aided and abetted each other and others known and unknown to the Grand Jury, did, for the purpose of gaining entrance to and maintaining and increasing position within the "Castro enterprise," an enterprise engaged in racketeering activity, knowingly and unlawfully assault victims B-1 and B-2, with a dangerous weapon, in violation of Michigan Compiled Laws, Section 750.82 and 767.39.

All in violation of 18 U.S.C. §§ 1959(a)(3) and 2.

COUNT FIVE

18 U.S.C. § 924(c) – *Use and Carry of a Firearm During, and in Relation to, a Crime of Violence*

D-1 CHAKA CASTRO
D-2 JUAN OLAYA
D-3 OCTAVIUS SCOTT

On or about November 25, 2014, in the Eastern District of Michigan and elsewhere, defendants, CHAKA CASTRO, JUAN OLAYA, OCTAVIUS SCOTT, and Jakerya Augustus, did aid and abet each other in knowingly, intentionally, and unlawfully using and carrying firearms during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, that is, assault with a dangerous weapon in aid of racketeering as alleged in Count Four of this Indictment, said firearm was

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

COUNT SIX

18 U.S.C. §§ 1959(a)(3); 2 - *Assault with a Dangerous Weapon in Aid of Racketeering*

D-1 CHAKA CASTRO
D-2 JUAN OLAYA
D-3 OCTAVIUS SCOTT

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

2. On or about November 26, 2014, in the Eastern District of Michigan, defendants, CHAKA CASTRO, JUAN OLAYA, OCTAVIUS SCOTT, and Jakerya Augustus, aided and abetted each other and others known and unknown to the Grand Jury, did, for the purpose of gaining entrance to and maintaining and increasing position within the "Castro enterprise," an enterprise engaged in racketeering activity, knowingly and unlawfully assault victims C-1 and C-2, with a dangerous weapon, in violation of Michigan Compiled Laws, Section 750.82 and 767.39.

All in violation of 18 U.S.C. §§ 1959(a)(3) and 2.

COUNT SEVEN

18 U.S.C. § 924(c) – *Use and Carry of a Firearm During, and in Relation to, a Crime of Violence*

D-1 CHAKA CASTRO
D-2 JUAN OLAYA
D-3 OCTAVIUS SCOTT

On or about November 26, 2014, in the Eastern District of Michigan and elsewhere, defendants, CHAKA CASTRO, JUAN OLAYA, OCTAVIUS SCOTT, and Jakerya Augustus, did aid and abet each other in knowingly, intentionally, and unlawfully using and carrying firearms during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, that is, assault with a dangerous weapon in aid of racketeering as alleged in Count Six of this Indictment, in violation of Title 18, United States Code, Sections 924(c) and 2.

COUNT EIGHT

18 U.S.C. §§ 1959(a)(3); 2 - *Assault with a Dangerous Weapon in Aid of Racketeering*

D-1 CHAKA CASTRO
D-2 JUAN OLAYA
D-3 OCTAVIUS SCOTT

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

2. On or about November 26, 2014, in the Eastern District of Michigan, defendants, CHAKA CASTRO, JUAN OLAYA, OCTAVIUS SCOTT, and Jakerya Augustus, aided and abetted each other and others known and unknown to the Grand Jury, did, for the purpose of gaining entrance to and maintaining and increasing position within the "Castro enterprise," an enterprise engaged in racketeering activity, knowingly and unlawfully assault multiple members of Family D, with a dangerous weapon, in violation of Michigan Compiled Laws, Section 750.82 and 767.39.

All in violation of 18 U.S.C. §§ 1959(a)(3) and 2.

COUNT NINE

18 U.S.C. § 924(c) – *Use and Carry of a Firearm During, and in Relation to, a Crime of Violence*

D-1 CHAKA CASTRO
D-2 JUAN OLAYA
D-3 OCTAVIUS SCOTT

On or about November 26, 2014, in the Eastern District of Michigan and elsewhere, defendants, CHAKA CASTRO, JUAN OLAYA, OCTAVIUS SCOTT, and Jakerya Augustus, did aid and abet each other in knowingly, intentionally, and unlawfully using and carrying firearms during and in relation to a crime of violence for which they may be prosecuted in a court

of the United States, that is, assault with a dangerous weapon in aid of racketeering as alleged in Count Eight of this Indictment, in violation of Title 18, United States Code, Sections 924(c) and 2.

THIS IS A TRUE BILL.

/s/ Grand Jury Foreperson
GRAND JURY FOREPERSON

Dated: December 16, 2015

BARBARA L. McQUADE
UNITED STATES ATTORNEY

/s/ Christopher Graveline
CHRISTOPHER GRAVELINE
Assistant U.S. Attorney

/s/ Douglas C. Salzenstein
DOUGLAS C. SALZENSTEIN
Assistant U.S. Attorney

/s/ James M. Trusty
JAMES M. TRUSTY
CHIEF, Organized Crime and Gang Section
U.S. Department of Justice

/s/ Kelly Pearson
KELLY PEARSON
Trial Attorney, Organized Crime and Gang Section
U.S. Department of Justice

United States District Court Eastern District of Michigan	Criminal Case Cover Sheet	Case Number 15-20200
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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.

Reassignment/Recusal Information This matter was opened in the USAO prior to August 15, 2008 []

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 type="checkbox"/> No	AUSA's Initials: <i>DS</i>

Case Title: USA v. Chaka Castro, et al.

County where offense occurred : Washtenaw County and Elsewhere

Check One: ☒ **Felony** ☐ **Misdemeanor** ☐ **Petty**

☐ Indictment/ ☐ Information --- no prior complaint.

☐ Indictment/ ☐ Information --- based upon prior complaint [Case number:]

☒ Indictment/ ☐ Information --- based upon LCrR 57.10 (d) [Complete Superseding section below].

Superseding Case Information

Superseding to Case No: 15-cr-20200 **Judge:** Michelson

- ☐ Original case was terminated; no additional charges or defendants.
- ☒ ~~Corrects errors~~; no additional charges or defendants. - *expand RICO conspiracy period*
- ☐ 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>
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Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.

December 16, 2015
Date

[Signature]
Douglas C. Salzenstein
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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.