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FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

CLERK'S OFFICE
AT BALTIMORE

UNITED STATES OF AMERICA

BY _____ DEPUTY

v.

: CRIMINAL NO. SAG-19-0486

**KARON FOSTER,
RASHAUD NESMITH
JAMAI WELLS,
DANIEL WILLIAMS,**

Defendants.

: **(Conspiracy to Participate in a
Racketeering Enterprise, 18 U.S.C. §
1962(d); Carjacking Conspiracy, 18
U.S.C. § 371; Conspiracy to Possess a
Firearm in Furtherance of a Crime of
Violence, 18 U.S.C. § 924(o); Carjacking,
18 U.S.C. § 2119(1); Carjacking Resulting
in Death, 18 U.S.C. § 2119(3); Use, Carry
and Discharge a Firearm During and in
Relation to a Crime of Violence, 18 U.S.C.
§ 924(c); Use, Carry and Brandish a
Firearm During and in Relation to a
Crime of Violence, 18 U.S.C. § 924(c);
Possession of a Firearm and Ammunition
by a Prohibited Person, 18 U.S.C.,
§ 922(g)(1); Aiding and Abetting, 18
U.S.C. § 2; Forfeiture, 18 U.S.C. § 924(d),
28 U.S.C. § 2461(c))**

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THIRD SUPERSEDING INDICTMENT

COUNT ONE

(Conspiracy to Participate in Racketeering Activity)

The Grand Jury for the District of Maryland charges that:

The Racketeering Enterprise

1. At various times relevant to this Indictment, **KARON FOSTER (FOSTER)** and **RASHAUD NESMITH (NESMITH)**, and others known and unknown, were members and associates of a criminal organization whose members and associated engaged in acts of violence, including acts involving murder and robbery and which operated in the District of Maryland.

This criminal organization, including its leadership, members, and associates, constituted an “enterprise” (The Foster Enterprise) as defined in Section 1961(4) of Title 18, United States Code, that is, a group of individuals associated in fact that engaged in, and the activities of which affected, interstate and foreign commerce. The FOSTER Enterprise constituted an ongoing organization whose members functioned as a continuing unit for the common purpose of achieving the objectives of the FOSTER Enterprise.

Purposes of the Enterprise

2. The purposes of the FOSTER Enterprise included the following:
 - a. Enriching the members and associates through the use of violence, threats of violence, and intimidation, including but not limited to, acts involving murder, armed robbery, and carjacking;
 - b. Promoting and enhancing the FOSTER Enterprise and its members’ and associates’ activities within the community and on social media;
 - c. Concealing the violent acts of the FOSTER Enterprise by hiding their identities, and by hiding, destroying, or disposing of the evidence;
 - d. Keeping victims and potential victims in fear of the FOSTER Enterprise and in fear of its members and associates, through violence and threats of violence; and
 - e. Generating financial profits for themselves and in furtherance of the FOSTER Enterprise in Maryland.

The Racketeering Conspiracy

3. No later than April 2019, through the date of this Third Superseding Indictment, in the District of Maryland, and elsewhere, the defendants,

**KARON FOSTER and
RASHAUD NESMITH,**

each being a person employed by and associated with the FOSTER Enterprise, an enterprise engaged in, and the activities of which affected interstate and foreign commerce, together with others known and unknown to the Grand Jury, did knowingly and intentionally conspire to conduct and participate, directly and indirectly, in the conduct of the affairs of the enterprise through a pattern of racketeering activity, as defined in Sections 1961(1) and (5) of Title 18, United States Code, which pattern of racketeering activity consisted of:

a. Multiple acts involving:

(1) robbery, in violation of Md. Code Ann., Crim. Law § 3-402 (Maryland Robbery), § 3-403 (Maryland Armed Robbery) and § 3-405 (Maryland Carjacking); and the Common Law of Maryland punishable pursuant to Md. Code Ann. Crim. Law §§ 1-201 and 1-202;

(2) murder, in violation of Md. Code Ann., Crim. Law §§ 2-201 and 2-204 (Maryland Murder) and §§ 2-205 and 2-206 (Maryland Attempted Murder), and the Common Law of Maryland punishable pursuant to Md. Code Ann., Crim. Law §§ 1-201 and 1-202;

4. It was part of the conspiracy that each defendant agreed that a conspirator would commit at least two acts of racketeering activity in the conduct of the affairs of the Enterprise.

Manner and Means of the Conspiracy

5. Among the manner and means by which the defendants and others conducted and participated in the conduct of the enterprise were the following:

a. Members and associates of the FOSTER Enterprise committed and caused to be committed commercial robberies, carjackings, and street robberies for financial gain, and to intimidate others who would interfere with their enterprise.

b. Members and associates of the FOSTER Enterprise committed and caused

to be committed attempted murders and murders to intimidate others who would interfere with their enterprise and to gain a certain status in the community and on social media platforms.

c. Members of the FOSTER Enterprise used the proceeds of the robberies to purchase firearms, to enrich themselves, and to further the activities of the organization, including further robberies.

d. Members of the FOSTER Enterprise used vehicles they robbed from others in order to commit robberies and other acts of violence without fear of immediate detection.

e. It was further part of the conspiracy that the defendants and other members and associates of the FOSTER Enterprise obtained, used, carried, possessed, brandished, and discharged firearms in connection with the enterprise's illegal activities, including, but not limited to, murder and attempted murder.

f. It was further part of the conspiracy that the defendants and other members and associates of the FOSTER Enterprise managed the procurement, transfer, use, concealment, and disposal of firearms and dangerous weapons within the enterprise to protect their personnel, reputation, and operations.

g. It was further part of the conspiracy that the defendants and other members and associates of the FOSTER Enterprise concealed and hid, and caused to be concealed and hidden, the purposes of the acts done in furtherance of the enterprise, and used coded language and other means to avoid detection and apprehension by law enforcement and otherwise to provide security to members and associates of the enterprise.

Overt Acts

6. The defendants, co-conspirators, and associates of the FOSTER Enterprise

committed acts in furtherance of the Enterprise's objectives, to include, but not limited to, the following:

(1) On or about April 19, 2019, NESMITH and one or more conspirators stole at gunpoint took a 2002 BMW 335CI motor vehicle, without a license plate from J.B. in or around the 1600 block of Homestead Street, Baltimore, Maryland;

(2) On or about June 9, 2019, FOSTER and one or more conspirators stole at gun point a 2006 Honda Accord motor vehicle, Maryland tag number 90195CH from D.G. in or around the 5600 block of Haddon Avenue, Baltimore, Maryland;

(3) On or about June 12, 2019, FOSTER and one or more conspirators stole at gun point a 2004 Acura MDX motor vehicle, Maryland tag number 9CJ8429 from S.A. in or around the 4400 block of Franconia Avenue, Baltimore, Maryland, and in the course of the carjacking shot Taven Lowther, resulting in his death;

(4) On or about June 12, 2019, FOSTER and one or more conspirators stole at gun point a 2007 Infiniti Q35 motor vehicle, Maryland tag 0M0BA2 from M.A. in or around the 4700 block of Wakefield Avenue, Baltimore, Maryland;

(5) On or about June 12, 2019, FOSTER and one or more conspirators robbed R.J. with a firearm in or around the 5400 block of Moores Run Drive, Baltimore, Maryland;

(6) On or about July 11, 2019, FOSTER and one or more conspirators stole at gun point a 2016 Acura TLX motor vehicle, Maryland tag number 8DW9958 from G.C. in or around the 5100 block of Dickey Hill Road, Baltimore, Maryland;

(7) On or about July 23, 2019, NESMITH and one or more conspirators attempted to rob Devon Chavis in or about the 4900 block of Goodnow Road, Baltimore, Maryland, and in the course of the robbery, one of the conspirators discharged a firearm, striking and killing

Chavis;

(8) On or about July 29, 2019, NESMITH and one or more conspirators stole at gun point a 2015 Infiniti Q50 motor vehicle, Maryland tag number 9DR8090 from M.W. in or around the 5300 block of Todd Avenue, Baltimore, Maryland;

(9) On or about August 1, 2019, FOSTER, NESMITH, and one or more conspirators attempted to rob Kendrick Sharpe in or about the 5300 block of Fernpark Avenue, and in the course of the attempted robbery one conspirator discharged a firearm, striking and killing Sharpe; and

(10) On or about August 8, 2019, FOSTER, NESMITH and one or more conspirators robbed I.C. with a firearm in or about the 5600 block of Summerfield Avenue, Baltimore, Maryland, and in the course of the robbery, one of the conspirators discharged the firearm, striking I.C.

18 U.S.C. § 1962(d)

18 U.S.C. § 2

COUNT TWO
(Carjacking Conspiracy)

The Grand Jury for the District of Maryland further charges that:

1. From a time unknown, but no later than in or about February 2019, and continuing through on or about the filing of this Third Superseding Indictment, in the District of Maryland and elsewhere, the defendants,

**KARON FOSTER,
RASHAUD NESMITH,
JAMAI WELLS,
DANIEL WILLIAMS,**

did knowingly combine, conspire, confederate, and agree with persons known and unknown, by force, violence, and intimidation, and with the intent to cause death, take from the person and in the presence of another a motor vehicle that had been transported, shipped, and received in interstate and foreign commerce, in violation of 18 U.S.C. § 2119.

OVERT ACTS

2. During the course of and in furtherance of the conspiracy, and to effect the objects thereof, at least one of the conspirators committed or caused to be committed at least one of the following acts, among others, in the District of Maryland, and elsewhere:

a. On or about June 9, 2019, one or more conspirators took a 2006 Honda Accord motor vehicle from D.G. in or around the 5600 block of Haddon Avenue, Baltimore, Maryland;

b. On or about June 12, 2019, one or more conspirators took an Acura MDX motor vehicle from S.A. in or around the 4400 block of Franconia Avenue, Baltimore, Maryland, and in the course of the carjacking shot Taven Lowther, resulting in his death;

c. On or about June 12, 2019, one or more conspirators took a 2007 Infiniti

motor vehicle from M.A. in or around the 4700 block of Wakefield Avenue, Baltimore, Maryland;

d. On or about July 11, 2019, conspirators took an Acura TLX motor vehicle from G.C. in or around the 5100 block of Dickey Hill Road, Baltimore, Maryland.

18 U.S.C. § 371

COUNT THREE

(Conspiracy to Use and Carry a Firearm During and in Relation to a Crime of Violence)

The Grand Jury for the District of Maryland further charges that:

From a time unknown, but no later than in or about February 2019, and continuing through on or about the filing of this Third Superseding Indictment, in the District of Maryland, the defendants,

**KARON FOSTER,
RASHAUD NESMITH,
JAMAI WELLS,
DANIEL WILLIAMS,**

did conspire with persons known and unknown to use and carry firearms, to wit: a .40 caliber Smith & Wesson pistol, model M&P Shield, bearing serial number HWF8698; and a .40 caliber Smith & Wesson pistol, model SD40VE, bearing serial number HEY3709, and others unknown, during and in relation to crimes of violence for which they may be prosecuted in a court of the United States, that is, carjacking, as charged in Counts Four, Six, Eight, and Ten of this Third Superseding Indictment, which are incorporated by reference herein.

18 U.S.C. § 924(o)

COUNT FOUR
(Carjacking)

The Grand Jury for the District of Maryland further charges that:

On or about June 9, 2019, in the District of Maryland, the defendants,

KARON FOSTER,
JAMAI WELLS,
DANIEL WILLIAMS,

by force, violence, and intimidation, and with the intent to cause death, did take from the person, D.G., and in the presence of D.G. a motor vehicle that had been transported, shipped, and received in interstate and foreign commerce, to wit: a 2006 Honda Accord bearing Maryland tag number 90195CH.

18 U.S.C. § 2119(1)

18 U.S.C. § 2

COUNT FIVE

(Use, Carry, and Brandish a Firearm During and in Relation to a Crime of Violence)

The Grand Jury for the District of Maryland further charges that:

On or about June 9, 2019, in the District of Maryland, the defendants,

**KARON FOSTER,
JAMAI WELLS,
DANIEL WILLIAMS,**

did knowingly use, carry, and brandish a firearm during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, that is, carjacking, as charged in Count Four of this Third Superseding Indictment, which is incorporated by reference herein.

18 U.S.C. § 924(c)(1)(A)

18 U.S.C. § 2

COUNT SIX
(Carjacking Resulting in Death)

The Grand Jury for the District of Maryland further charges that:

On or about June 12, 2019, in the District of Maryland, the defendant,

KARON FOSTER,

by force, violence, and intimidation, and with the intent to cause death, did take from the person, S.A., and in the presence of S.A. a motor vehicle that had been transported, shipped, and received in interstate and foreign commerce, to wit: a 2004 Acura MDX bearing Maryland tag number 9CJ8429, resulting in the death of Taven Lowther.

18 U.S.C. § 2119(3)

18 U.S.C. § 2

COUNT SEVEN

(Use, Carry, and Discharge a Firearm During and in Relation to a Crime of Violence)

The Grand Jury for the District of Maryland further charges that:

On or about June 12, 2019, in the District of Maryland, the defendant,

KARON FOSTER,

did knowingly and intentionally use, carry, and discharge a firearm during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, that is, carjacking resulting in death, as set forth in Count Six of this Third Superseding Indictment, which is incorporated by reference herein, and in the course of said violations caused the death of a person, Taven Lowther, through the use of said firearm, which killing constituted first degree murder, as defined in Title 18 of the United States Code, Section 1111.

18 U.S.C. § 924(c)(1)(A)(iii)

18 U.S.C. § 924(j)(1)

18 U.S.C. § 2

18 U.S.C. § 1111

COUNT EIGHT
(Carjacking)

The Grand Jury for the District of Maryland further charges that:

On or about June 12, 2019, in the District of Maryland, the defendant,

KARON FOSTER,

by force, violence, and intimidation, and with the intent to cause death, did take from the person, M.A., and in the presence of M.A. a motor vehicle that had been transported, shipped, and received in interstate and foreign commerce, to wit: a 2007 Infiniti bearing Maryland tag number 0M8BA21.

18 U.S.C. § 2119(1)

18 U.S.C. § 2

COUNT NINE

(Use, Carry, and Brandish a Firearm During and Relation to a Crime of Violence)

The Grand Jury for the District of Maryland further charges that:

On or about June 12, 2019, in the District of Maryland, the defendant,

KARON FOSTER,

did knowingly use, carry and brandish a firearm during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, that is, carjacking, as charged in Count Eight of this Third Superseding Indictment, which is incorporated by reference herein.

18 U.S.C. § 924(c)(1)(A)

18 U.S.C. § 2

COUNT TEN
(Carjacking)

The Grand Jury for the District of Maryland further charges that:

On or about July 11, 2019, in the District of Maryland, the defendant,

KARON FOSTER,

by force, violence, and intimidation, and with the intent to cause death, did take from the person, G.C., and in the presence of G.C. a motor vehicle that had been transported, shipped, and received in interstate and foreign commerce, to wit: an Acura TLX bearing Maryland tag number 8DW9958.

18 U.S.C. § 2119(1)

18 U.S.C. § 2

COUNT ELEVEN

(Use, Carry, and Brandish a Firearm During and Relation to a Crime of Violence)

The Grand Jury for the District of Maryland further charges that:

On or about July 11, 2019, in the District of Maryland, the defendant,

KARON FOSTER,

did knowingly use, carry and brandish a firearm during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, that is, carjacking, as charged in Count Ten of this Third Superseding Indictment, which is incorporated by reference herein.

18 U.S.C. § 924(c)(1)(A)

18 U.S.C. § 2

COUNT TWELVE
(Possession of a Firearm by a Prohibited Person)

The Grand Jury for the District of Maryland further charges that:

On or about September 13, 2019, in the District of Maryland, the defendant,

JAMAI WELLS,

knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm and ammunition, that is a Smith & Wesson .40 caliber handgun, model SD40VE, with serial number HEY3709; and 14 rounds of Winchester .40 caliber ammunition, and the firearm and ammunition were in and affecting commerce.

18 U.S.C. § 922(g)

COUNT THIRTEEN
(Carjacking)

The Grand Jury for the District of Maryland further charges that:

On or about July 29, 2019, in the District of Maryland, the defendant,

RASHAUD NESMITH,

by force, violence, and intimidation, and with the intent to cause death, did take from the person, M.W., and in the presence of M.W. a motor vehicle that had been transported, shipped, and received in interstate and foreign commerce, to wit: a 2015 Infiniti bearing Maryland tag number 9DR8090.

18 U.S.C. § 2119(1)

18 U.S.C. § 2

COUNT FOURTEEN

(Use, Carry, and Brandish a Firearm During and Relation to a Crime of Violence)

The Grand Jury for the District of Maryland further charges that:

On or about July 29, 2019, in the District of Maryland, the defendant,

RASHAUD NESMITH,

did knowingly use, carry and brandish a firearm during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, that is, carjacking, as charged in Count Thirteen of this Third Superseding Indictment, which is incorporated by reference herein.

18 U.S.C. § 924(c)(1)(A)

18 U.S.C. § 2

FORFEITURE

The Grand Jury for the District of Maryland further charges that:

1. Pursuant to Rule 32.2, Fed. R. Crim. P., notice is hereby given to the defendants that the United States will seek forfeiture as part of any sentence in accordance with Title 18, United States Code, Section 924(d), as a result of the defendants' conviction under Count Two of the Third Superseding Indictment.

2. As a result of the offense alleged in Count Three of this Third Superseding Indictment, the defendants,

**KARON FOSTER,
RASHAUD NESMITH,
JAMAI WELLS,
DANIEL WILLIAMS,**

shall forfeit to the United States the firearms listed in Count Three of this Third Superseding Indictment and involved in the commission of the offense.

18 U.S.C. § 924(d)
28 U.S.C. § 2461


ROBERT K. HUR
UNITED STATES ATTORNEY

A TRUE BILL:

SIGNATURE REDACTED

FOREPERSON

2/11/202
DATE