**IN THE UNITED STATES DISTRICT COURT**

**FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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| **UNITED STATES OF AMERICA** | **:** | **CRIMINAL NO. \_\_\_\_\_\_\_\_\_\_\_\_\_** |
|  |  |  |
| **v.** | **:** | **DATE FILED: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
|  |  |  |
| **CORY D. FOSTER** | **:**  **:**  **:**  **:**  **:** | **V IOLATIONS:**  **18 U.S.C. § 1951 (robbery which interferes with interstate commerce – 3 counts)**  **18 U.S.C. § 2119 (carjacking – 1 count)**  **18 U.S.C. § 924(c) (using, carrying, and brandishing a firearm during a crime of violence – 4 counts)**  **18 U.S.C. § 2 (aiding and abetting)**  **Notice of forfeiture** |

**I N D I C T M E N T**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

1. At all times material to this indictment, the Lukoil service station and convenience store located at 4613 East Street Road, Trevose, Bucks County, Pennsylvania, was a business engaged in and affecting interstate commerce, providing to Pennsylvania and out-of-state customers petroleum products, cigarettes, and other products which were produced and transported from other states to the Commonwealth of Pennsylvania.

2. On or about November 18, 2014, in Trevose, in the Eastern District of Pennsylvania, defendant

**CORY D. FOSTER**

and persons known and unknown to the grand jury obstructed, delayed, and affected commerce and the movement of articles and commodities in commerce, and attempted to do so, by robbery, in that defendant FOSTER and a second robber unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, money, merchandise, and personal property, that is, cash, cigarettes, and other merchandise, together valued at approximately $1,000, belonging to the Lukoil service station and convenience store, located at 4613 East Street Road, Trevose, Pennsylvania, and a wallet containing approximately $100, belonging to an employee of the Lukoil service station, from the person and in the presence of the Lukoil employee and against his will by means of actual and threatened force, violence, and fear of injury, immediate and future, to his person and property, that is, by pointing a handgun at the victim employee, putting his hands behind his back, going through his pockets, and stealing his wallet, before taking the victim and placing him in a bathroom, stealing cash, cigarettes, and other merchandise from the victim business, and escaping in a car driven by a getaway driver unknown to the grand jury.

In violation of Title 18, United States Code, Sections 1951(a) and 2.

**COUNT TWO**

**THE GRAND JURY FURTHER CHARGES:**

On or about November 18, 2014, in Trevose, in the Eastern District of

Pennsylvania, defendant

**CORY D. FOSTER**

knowingly used and carried a firearm, that is, a black Smith & Wesson, model M&P Bodyguard, .380 caliber semi-automatic pistol, serial number ECB9844, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, that is, robbery which interferes with interstate commerce, in violation of Title 18, United States Code, Section 1951(a), as charged in Count One of this indictment, and brandished that firearm, which firearm, then loaded with three live rounds of .380 caliber ammunition, was seized by law enforcement from defendant CORY D. FOSTER in Wilmington, Delaware, on or about February 5, 2015.

In violation of Title 18, United States Code, Section 924(c)(1).

**COUNT THREE**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. At all times material to this indictment, Liberty Gas Station and convenience store, also known as the Plymouth Auto & Tire Center, located at 2014 Butler Pike, Plymouth Meeting, Montgomery County, Pennsylvania was a business engaged in and affecting interstate commerce, providing to Pennsylvania and out-of-state customers petroleum products, cigarettes, and other products which were produced and transported from other states to the Commonwealth of Pennsylvania.

2. On or about December 2, 2014, in Plymouth Meeting, in the Eastern District of Pennsylvania, defendant

**CORY D. FOSTER**

and persons known and unknown to the grand jury obstructed, delayed, and affected commerce and the movement of articles and commodities in commerce, and attempted to do so, by robbery, in that defendant FOSTER and a second robber unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, money, merchandise, and personal property, that is, approximately $700 cash and cigarettes, valued at approximately $2,400, belonging to Liberty Gas Station and convenience store, located at 2014 Butler Pike, Plymouth Meeting, Pennsylvania, and approximately $400 cash, belonging to an elderly employee of Liberty Gas Station, from the person and in the presence of the elderly Liberty Gas Station employee and against his will by means of actual and threatened force, violence, and fear of injury, immediate and future, to his person and property, that is, by pointing a handgun at the victim employee, going through his pockets, and stealing his wallet, before taking the victim and placing him in a bathroom, stealing cash and cigarettes from the victim business, and escaping in a car driven by a getaway driver unknown to the grand jury.

In violation of Title 18, United States Code, Sections 1951(a) and 2.

**COUNT FOUR**

**THE GRAND JURY FURTHER CHARGES:**

On or about December 2, 2014, in Plymouth Meeting, in the Eastern District of

Pennsylvania, defendant

**CORY D. FOSTER**

knowingly used and carried a firearm, that is, a black Smith & Wesson, model M&P Bodyguard, .380 caliber semi-automatic pistol, serial number ECB9844, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, that is, robbery which interferes with interstate commerce, in violation of Title 18, United States Code, Section 1951(a), as charged in Count Three of this indictment, and brandished that firearm, which firearm, then loaded with three live rounds of .380 caliber ammunition, was seized by law enforcement from defendant CORY D. FOSTER in Wilmington, Delaware, on or about February 5, 2015.

In violation of Title 18, United States Code, Section 924(c)(1).

**COUNT FIVE**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. At all times material to this indictment, CITGO gas station and convenience store located at 801 Valley Forge Road, Phoenixville, Chester County, Pennsylvania was a business engaged in and affecting interstate commerce, providing to Pennsylvania and out-of-state customers petroleum products, cigarettes, and other products which were produced and transported from other states to the Commonwealth of Pennsylvania.

2. On or about December 7, 2014, in Phoenixville, in the Eastern District of Pennsylvania, defendant

**CORY D. FOSTER**

and persons known and unknown to the grand jury obstructed, delayed, and affected commerce and the movement of articles and commodities in commerce, and attempted to do so, by robbery, in that defendant FOSTER and a second robber unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, money, merchandise, and personal property, that is, approximately $984 Pennsylvania Lottery cash, approximately $790 cash from the register, cigarettes, valued at approximately $3, 978, and cigars valued at approximately $300, belonging to the CITGO gas station and convenience store located at 801 Valley Forge Road, Phoenixville, Pennsylvania, and a wallet, belonging to an employee of the CITGO gas station and convenience store, from the person and in the presence of the CITGO employee and against his will by means of actual and threatened force, violence, and fear of injury, immediate and future, to his person and property, that is, by pointing a handgun at the victim employee; threatening to kill him; smashing him, unprovoked, in the face, breaking his orbital eye socket; forcing him to show the robbers how to open the register from which they stole cash; forcing him into a back room where he was bound hand-and-foot by tape; going through his pockets; and stealing his wallet; forcing a customer known to the grand jury (“the carjacking victim”) at gunpoint into the same back room where the victim employee was confined; stealing cash and car keys from the carjacking victim; and fleeing, one robber in a car that was operated by a getaway driver unknown to the grand jury, and the other robber in the car stolen from the carjacking victim.

In violation of Title 18, United States Code, Sections 1951(a) and 2.

**COUNT SIX**

**THE GRAND JURY FURTHER CHARGES:**

On or about December 7, 2014, in Phoenixville, in the Eastern District of

Pennsylvania, defendant

**CORY D. FOSTER**

knowingly used and carried a firearm, that is, a black Smith & Wesson, model M&P Bodyguard, .380 caliber semi-automatic pistol, serial number ECB9844, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, that is, robbery which interferes with interstate commerce, in violation of Title 18, United States Code, Section 1951(a), as charged in Count Five of this indictment, and brandished that firearm, which firearm, then loaded with three live rounds of .380 caliber ammunition, was seized by law enforcement from defendant CORY D. FOSTER in Wilmington, Delaware, on or about February 5, 2015.

In violation of Title 18, United States Code, Section 924(c)(1).

**COUNT SEVEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about December 7, 2014, in Phoenixville, in the Eastern District of Pennsylvania, defendant

**CORY D. FOSTER,**

with intent to cause death and serious bodily harm, took, and aided and abetted the taking of, from the carjacking victim referred to in Count Five of this indictment, by force and violence, and by intimidation, a motor vehicle, that is, a 2002 Honda Accord, vehicle identification number (“VIN”) 1HGCG56762A137047, that had been transported, shipped, and received in interstate commerce and that was recovered from a person known to the grand jury and defendant FOSTER by law enforcement in Wilmington, Delaware, on or about February 5, 2015.

In violation of Title 18, United States Code, Sections 2119 and 2.

**COUNT EIGHT**

**THE GRAND JURY FURTHER CHARGES:**

On or about December 7, 2014, in Phoenixville, in the Eastern District of

Pennsylvania, defendant

**CORY D. FOSTER**

knowingly used and carried a firearm, that is, a black Smith & Wesson, model M&P Bodyguard, .380 caliber semi-automatic pistol, serial number ECB9844, 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, in violation of Title 18, United States Code, Section 2119, as charged in Count Seven of this indictment, and brandished that firearm, which firearm, then loaded with three live rounds of .380 caliber ammunition, was seized by law enforcement from defendant CORY D. FOSTER in Wilmington, Delaware, on or about February 5, 2015.

In violation of Title 18, United States Code, Sections 924(c)(1) and 2.

**NOTICE OF FORFEITURE**

**THE GRAND JURY FURTHER CHARGES:**

As a result of the violations of Title 18, United States Code, Section 924(c)(1), set forth in this indictment, defendant

**CORY D. FOSTER**

shall forfeit to the United States of America all firearms and ammunition involved in the commission of such offenses, including, but not limited to: one black Smith & Wesson, model M&P Bodyguard, .380 caliber semi-automatic pistol, serial number ECB9844, and three live rounds of .380 caliber ammunition.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

**A TRUE BILL:**

**GRAND JURY FOREPERSON**

**ZANE DAVID MEMEGER**

***United States Attorney***