

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 1:20-CR-00183

ADAM DEAN FOX,
BARRY GORDON CROFT, JR.,
KALEB JAMES FRANKS,
DANIEL JOSEPH HARRIS, and
BRANDON MICHAEL-RAY CASERTA,

Hon. Robert J. Jonker
Chief U.S. District Judge

Defendants.

SUPERSEDING INDICTMENT

The Grand Jury charges:

COUNT 1
(Kidnapping Conspiracy)

From at least on or about June 6, 2020, through and including October 7, 2020, in the Southern Division of the Western District of Michigan and elsewhere,

**ADAM DEAN FOX,
BARRY GORDON CROFT, JR.,
KALEB JAMES FRANKS,
DANIEL JOSEPH HARRIS, and
BRANDON MICHAEL-RAY CASERTA,**

and others known and unknown, willfully and knowingly combined, conspired, confederated, and agreed with each other to violate Title 18, United States Code, Section 1201(a).

The object of the conspiracy was to unlawfully seize, confine, kidnap, abduct and carry away, and hold for ransom and reward, or otherwise, the Governor of the State of Michigan (“the Governor”).

MANNER AND MEANS

In order to effectuate the object of the conspiracy, the defendants used means, facilities, and instrumentalities of interstate commerce, including cellular telephones, internet-connected social-media platforms and encrypted messaging services, and global positioning satellite (“GPS”) navigation. In addition, the defendants traveled in interstate commerce to plan and train for the kidnapping, practice building and detonating improvised explosive devices, and conduct surveillance of the Governor’s vacation home.

Defendants ADAM DEAN FOX and BARRY GORDON CROFT, JR. affiliated themselves with the “Three Percenter” movement (sometimes rendered III%), which espouses anti-government views. While many self-styled “militia” groups incorporate “III%” in their names, the term is more indicative of a common set of beliefs and attitudes than of membership in an overarching organization. Defendants KALEB JAMES FRANKS, DANIEL JOSEPH HARRIS, and BRANDON MICHAEL-RAY CASERTA were members of the Wolverine Watchmen, a Michigan-based “militia” group with similar anti-government views. The defendants shared an overlapping set of views and objectives, and worked cooperatively on the plan to kidnap the Governor.

The defendants engaged in domestic terrorism, as defined at Title 18, United States Code, Section 2331(5). That is, they engaged in activities within the territorial jurisdiction of the United States, that involved acts dangerous to human life that were a violation of the criminal laws of the United States or of any State; and which were intended to intimidate or coerce a civilian population; to influence the policy of a government by intimidation or coercion; or to affect the conduct of a government by mass destruction, assassination, or kidnapping.

OVERT ACTS

In furtherance of the conspiracy and to effectuate its illegal object, the following overt acts, among others, were committed in the Western District of Michigan and elsewhere:

1. On or about June 6, 2020, ADAM DEAN FOX and BARRY GORDON CROFT, JR. met in Dublin, Ohio, to discuss anti-government actions, including the kidnapping of state governors, and recruiting like-minded individuals to their cause.

2. On or about June 18, 2020, ADAM DEAN FOX met Ty Gerard Garbin, a leader of the Wolverine Watchmen, at a rally outside the State Capitol in Lansing, Michigan. ADAM DEAN FOX invited Ty Gerard Garbin and other Wolverine Watchmen members to meet him in Grand Rapids, Michigan, with the intent to recruit them into the conspiracy to kidnap the Governor.

3. On or about June 20, 2020, ADAM DEAN FOX met Ty Gerard Garbin and other Wolverine Watchmen members in Grand Rapids, Michigan, and proposed working together toward their common goals.

4. On or about July 10-12, 2020, BARRY GORDON CROFT, JR. traveled from Delaware to Wisconsin to attend a “field training exercise” with Wolverine Watchmen members KALEB JAMES FRANKS, DANIEL JOSEPH HARRIS, BRANDON MICHAEL-RAY CASERTA, and Ty Gerard Garbin, where the group practiced combat tactics, including assaulting motor vehicles using semiautomatic assault rifles and live ammunition.

5. On or about July 11, 2020, at the “field training exercise,” BARRY GORDON CROFT, JR., DANIEL JOSEPH HARRIS, and Ty Gerard Garbin attempted to detonate two improvised explosive devices.

6. At a Wolverine Watchmen live-fire training exercise in Munith, Michigan, on or about August 9, 2020, ADAM DEAN FOX proposed kidnapping the Governor to KALEB JAMES FRANKS, DANIEL JOSEPH HARRIS, and Ty Gerard Garbin.

7. On or about August 23, 2020, KALEB JAMES FRANKS, DANIEL JOSEPH HARRIS, BRANDON MICHAEL-RAY CASERTA, and Ty Gerard Garbin met in Lake Orion, Michigan, where they examined each other's identification documents in an attempt to verify that no members of the group were undercover law enforcement agents or informants.

8. On or about August 23, 2020, DANIEL JOSEPH HARRIS established a new encrypted messaging group for the conspirators, including KALEB JAMES FRANKS, DANIEL JOSEPH HARRIS, BRANDON MICHAEL-RAY CASERTA, and Ty Gerard Garbin using a service he said would enable them to instantly delete their messages in case of federal law enforcement contact.

9. On or about August 29, 2020, ADAM DEAN FOX conducted a daytime surveillance of the Governor's vacation home and drew a map on which he noted approximate distances from the home to police first responders.

10. In an encrypted message on or about August 30, 2020, Ty Gerard Garbin suggested taking down a highway bridge near the Governor's vacation home would hinder a law enforcement response, and offered to paint his boat black for a future nighttime surveillance trip.

11. Over the weekend of September 12-13, 2020, ADAM DEAN FOX, BARRY GORDON CROFT, JR., KALEB JAMES FRANKS, DANIEL JOSEPH HARRIS, BRANDON MICHAEL-RAY CASERTA, and Ty Gerard Garbin attended a "field training exercise" on Ty Gerard Garbin's property near Luther, Michigan. At the training exercise, they practiced

assaulting a building in teams, and discussed tactics for fighting the Governor's security detail with improvised explosive devices, a projectile launcher, and other weapons.

12. From the night of September 12, 2020, into the early morning of September 13, 2020, ADAM DEAN FOX, BARRY GORDON CROFT, JR., KALEB JAMES FRANKS, and Ty Gerard Garbin conducted a nighttime surveillance of the Governor's vacation home and a nearby public boat ramp, using two-way radios and a night-vision scope.

13. On the way to the nighttime surveillance of the vacation home on or about September 12, 2020, ADAM DEAN FOX and BARRY GORDON CROFT, JR. stopped to inspect the underside of a highway bridge near the vacation home for a place to mount an explosive charge.

14. During the field training exercise near Luther, Michigan, on or about September 13, 2020, BARRY GORDON CROFT, JR. and DANIEL JOSEPH HARRIS detonated an improvised explosive device containing shrapnel near human silhouette targets hung by the conspirators to assess its effectiveness.

15. On or about September 13, 2020, ADAM DEAN FOX ordered \$4,000 worth of explosives from an undercover FBI agent posing as a co-conspirator.

16. In an encrypted communication on or about September 17, 2020, ADAM DEAN FOX, BRANDON MICHAEL-RAY CASERTA, KALEB JAMES FRANKS, and Ty Gerard Garbin agreed to decline participation in a public rally at the State Capitol in Lansing, Michigan, and concurred that it was important to keep a low profile "if we want to continue with our plans."

17. On or about October 2, 2020, ADAM DEAN FOX purchased a Taser-type high-voltage stunning device.

18. On or about October 7, 2020, BRANDON MICHAEL-RAY CASERTA instructed his co-conspirators in an encrypted video message that if they encountered police during a reconnaissance, they should give the officers one opportunity to leave, and kill them if they did not comply.

19. On or about October 7, 2020, ADAM DEAN FOX, KALEB JAMES FRANKS, DANIEL JOSEPH HARRIS, and Ty Gerard Garbin drove to Ypsilanti, Michigan, to meet the undercover FBI agent posing as a co-conspirator, and use the “group cash” for a good-faith payment towards explosives and other supplies.

18 U.S.C. § 1201(c)

COUNT 2

(Conspiracy to Use a Weapon of Mass Destruction)

Paragraphs 1 through 19 of this Indictment are realleged and incorporated as though set forth herein. From at least on or about May 1, 2020, through and including October 7, 2020, in the Southern Division of the Western District of Michigan and elsewhere,

**ADAM DEAN FOX,
BARRY GORDON CROFT, JR., and
DANIEL JOSEPH HARRIS,**

and others known and unknown, willfully and knowingly combined, conspired, confederated, and agreed with each other to violate Title 18, United States Code, Sections 2332a(a)(2)(A) and (C).

The object of the conspiracy was to use weapons of mass destruction without lawful authority, namely, destructive devices as that term is defined in Title 18, United States Code, Section 921, against persons or property within the United States. The defendants intended to use the destructive devices to facilitate their plot to kidnap the Governor, by harming and hindering the Governor's security detail and any responding law enforcement officers. In order to effectuate the object of the conspiracy, ADAM DEAN FOX, BARRY GORDON CROFT, JR., and DANIEL JOSEPH HARRIS traveled in interstate commerce and used a facility of interstate commerce in furtherance of the offense.

OVERT ACTS

In furtherance of the conspiracy and to effectuate its illegal object, the following overt acts, among others, were committed in the Western District of Michigan and elsewhere:

20. On or about May 1, 2020, in an encrypted internet communication related to joining the Wolverine Watchmen, DANIEL JOSEPH HARRIS advised he was a Marine Corps

infantry veteran who “can make things go boom if you give me what I need,” and could use timing detonation cord.

21. On or about May 18, 2020, DANIEL JOSEPH HARRIS offered to recruit an associate with bomb-making experience to the Wolverine Watchmen.

22. On or about July 11-12, 2020, BARRY GORDON CROFT, JR. and DANIEL JOSEPH HARRIS traveled to Wisconsin from Delaware and Michigan, respectively, where they assembled and attempted to detonate two improvised explosive devices containing shrapnel.

23. On or about September 12, 2020, BARRY GORDON CROFT, JR. traveled from Delaware to Michigan to test improvised explosive devices in furtherance of the defendants’ plot to kidnap the Governor.

24. On or about September 12, 2020, on their way to conduct a nighttime surveillance of the Governor’s vacation home, ADAM DEAN FOX and BARRY GORDON CROFT, JR. stopped to inspect the underside of a highway bridge for a place to mount an explosive charge.

25. On or about September 13, 2020, BARRY GORDON CROFT, JR. and DANIEL JOSEPH HARRIS successfully detonated an improvised explosive device containing shrapnel near human silhouette targets to assess its effectiveness as an anti-personnel weapon.

26. On or about September 13, 2020, ADAM DEAN FOX ordered \$4,000 worth of explosives from an undercover FBI agent posing as a co-conspirator.

27. On or about October 7, 2020, ADAM DEAN FOX and DANIEL JOSEPH HARRIS, and others drove to Ypsilanti, Michigan, to make a good-faith payment towards explosives.

18 U.S.C. §§ 2332a(a)(2)(A), (a)(2)(C)
18 U.S.C. § 921(a)(4)

COUNT 3

(Possession of an Unregistered Destructive Device)

Paragraphs 1 through 27 of this Indictment are realleged and incorporated as though set forth herein. On or about September 13, 2020, in Lake County, in the Southern Division of the Western District of Michigan and elsewhere,

**BARRY GORDON CROFT, JR., and
DANIEL JOSEPH HARRIS**

knowingly possessed a firearm, that is, a destructive device, as defined at Title 26, United States Code, Sections 5845(a)(8) and (f)(1)(A), which was not registered to them in the National Firearms Registration and Transfer Record as required by law.

26 U.S.C. § 5861(d)

26 U.S.C. § 5841

26 U.S.C. § 5871

18 U.S.C. § 2

COUNT 4

(Possession of an Unregistered Short-Barreled Rifle)

Paragraphs 1 through 27 of this Indictment are realleged and incorporated as though set forth herein. Between or about July 10, 2020 and on or about September 13, 2020, in the Southern Division of the Western District of Michigan and elsewhere,

DANIEL JOSEPH HARRIS

knowingly possessed a firearm, that is, an Anderson Manufacturing, Model AM-15, .223/5.56 mm caliber semiautomatic assault rifle, serial number 16012390, with a barrel of less than 16 inches in length, which was not registered to him in the National Firearms Registration and Transfer Record as required by law.

26 U.S.C. § 5861(d)

26 U.S.C. § 5845(a)(3)

26 U.S.C. § 5871

FORFEITURE ALLEGATION
(Count 1 – Kidnapping Conspiracy)

The allegations contained in Count 1 of this Superseding Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to 18 U.S.C. §§ 981(a)(1)(C), 924(d), and 28 U.S.C. § 2461(c).

Upon conviction of the offense in violation of 18 U.S.C. § 1201(c) set forth in Count 1 of this Superseding Indictment, the defendants,

**ADAM DEAN FOX,
BARRY GORDON CROFT, Jr.,
KALEB JAMES FRANKS,
DANIEL JOSEPH HARRIS, and
BRANDON MICHAEL-RAY CASERTA,**

shall forfeit to the United States of America, pursuant to 18 U.S.C. §§ 981(a)(1)(C), 924(d) and 28 U.S.C. § 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the offense and any firearm or ammunition involved in or used in the offense. The property to be forfeited includes, but is not limited to, property identified in a Bill of Particulars filed on the record in this matter.

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

- i. cannot be located upon the exercise of due diligence;
- ii. has been transferred or sold to, or deposited with, a third party;
- iii. has been placed beyond the jurisdiction of the court;
- iv. has been substantially diminished in value; or
- v. has been commingled with other property, which cannot be divided without difficulty;

the United States of America shall be entitled to forfeiture of substitute property pursuant to 21

U.S.C. § 853(p) as incorporated by 28 U.S.C. § 2461(c).

18 U.S.C. § 981(a)(1)(C)

18 U.S.C. § 924(d)

21 U.S.C. § 853(p)

28 U.S.C. § 2461(c)

FORFEITURE ALLEGATION

(Count 2 – Conspiracy to Use a Weapon of Mass Destruction)

The allegations contained in Count 2 of this Superseding Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to 18 U.S.C. § 981(a)(1)(G) and 28 U.S.C. § 2461(c).

Upon conviction of the offense in violation of 18 U.S.C. § 2332a(a) set forth in Count 2 of this Superseding Indictment, the defendants,

**ADAM DEAN FOX,
BARRY GORDON CROFT, Jr., and
DANIEL JOSEPH HARRIS,**

shall forfeit to the United States of America pursuant to 18 U.S.C. § 981(a)(1)(G)(i) – (iii) and 28 U.S.C. § 2461(c), all assets, foreign or domestic (i) of any individual, entity, or organization engaged in planning or perpetrating any Federal crime of terrorism against the United States, citizens or residents of the United States, or their property, and all assets, foreign or domestic, affording any person a source of influence over any such entity or organization; (ii) acquired or maintained by any person with the intent and for the purpose of supporting, planning, conducting, or concealing any Federal crime of terrorism against the United States, citizens or residents of the United States, or their property; and (iii) derived from, involved in, or used or intended to be used to commit any Federal crime of terrorism against the United States, citizens or residents of the United States, or their property. The property to be forfeited includes, but is not limited to, property identified in a Bill of Particulars filed on the record in this matter.

If any of the property described above, as a result of any act or omission of the defendant:

- i. cannot be located upon the exercise of due diligence;
- ii. has been transferred or sold to, or deposited with, a third party;
- iii. has been placed beyond the jurisdiction of the court;

- iv. has been substantially diminished in value; or
- v. has been commingled with other property, which cannot be divided without difficulty;

the United States of America shall be entitled to forfeiture of substitute property pursuant to 21

U.S.C. § 853(p) as incorporated by 28 U.S.C. § 2461(c).

18 U.S.C. § 981(a)(1)(G)

21 U.S.C. § 853(p)

28 U.S.C. § 2461(c)

18 U.S.C. § 2332a(a)

18 U.S.C. § 2332b(g)(5)

FORFEITURE ALLEGATION

(Count 3 – Possession of an Unregistered Destructive Device; Count 4 – Possession of an Unregistered Short-Barreled Rifle)

The allegations contained in Counts 3 and 4 of this Superseding Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeitures pursuant to 26 U.S.C. § 5872(a) and 28 U.S.C. § 2461(c).

Pursuant to 26 U.S.C. § 5872(a) and 28 U.S.C. § 2461(c), upon conviction of a violation of 26 U.S.C. § 5861(d) set forth in Counts 3 and 4 of this Superseding Indictment, the defendants,

**BARRY GORDON CROFT, JR. and
DANIEL JOSEPH HARRIS,**

shall forfeit to the United States any firearm involved in the commission of the offense including, but not limited to:

1. FIREARM(s): any destructive device, as defined at Title 26, United States Code, Sections 5845(a)(8) and (f)(1)(A), which was not registered to the defendants in the National Firearms Registration and Transfer Record as required by law (Count 3); and an Anderson Manufacturing, Model AM-15, .223/5.56mm caliber semiautomatic assault rifle, serial number 16012390, with a barrel of less than 16 inches in length, as defined at Title 26, United States Code, Section 5845(a)(3), which was not registered to defendant DANIEL JOSEPH HARRIS in the National Firearms Registration and Transfer Record as required by law (Count 4).

2. SUBSTITUTE ASSETS: if any of the property described above, as a result of any act or omission of the defendant(s):

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;

- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to 21

U.S.C. § 853(p) as incorporated by 28 U.S.C. § 2461(c).

26 U.S.C. § 5872(a)

28 U.S.C. § 2461(c)

21 U.S.C. § 853(p)

26 U.S.C. § 5861(d)

A TRUE BILL



GRAND JURY FOREPERSON

ANDREW BYERLY BIRGE

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AUSTIN J. HAKES

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