

JUL 21 2020

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
ABINGDON

UNITED STATES OF AMERICA :

v. :

JAMES BROWN :

Case No. 1:20CR26

Violations: 18 U.S.C. § 844, 922, 1001
42 U.S.C. § 3631

INDICTMENT

COUNT ONE

The Grand Jury charges that:

1. On or about June 15, 2020, in the Western District of Virginia and elsewhere, JAMES BROWN, in a matter within the jurisdiction of the executive branch of the Government of the United States, knowingly and willfully made materially false, fictitious, and fraudulent statements and representations.

2. On or about June 13, 2020, Victim #1, who is African American, organized a Black Lives Matter Protest in Marion, Virginia. On or about June 14, 2020, in the early morning hours, a cross was burned in front of the house of Victims #1 and #2. JAMES BROWN lived across the street from Victims #1 and #2.

3. On or about June 15, 2020, in Marion, Virginia, JAMES BROWN was interviewed by Special Agents of the Federal Bureau of Investigation regarding his knowledge of who had burned the cross on Victim #1 and #2's property. JAMES BROWN was asked by agents if he had anything to do with the cross burning across the street from his residence. JAMES BROWN responded that he did not have anything to with the cross burning. JAMES BROWN was asked

by agents if he knew who burned the cross in front of Victims #1 and #2's house and JAMES BROWN responded he did not.

4. At the time of the aforementioned interview, JAMES BROWN knew that in fact he had been the person who had burned the cross on Victim #1 and #2's property

5. The Federal Bureau of Investigation is an agency of the executive branch of the Government of the United States.

6. All in violation of Title 18, United States Code, Section 1001(a)(2).

COUNT TWO

The Grand Jury charges that:

1. On or about June 14, 2020, in the Western District of Virginia and elsewhere, JAMES BROWN, by force or threat of force, willfully injured, intimidated and interfered with, and attempted to injure, intimidate and interfere with, any person because of their race or color and because they are or had been renting and occupying any dwelling, and such acts included the use, attempted use, or threatened use of fire.

2. On or about June 13, 2020, Victim #1, who is African American, organized a Black Lives Matter Protest in Marion, Virginia. On or about the early morning hours of June 14, 2020, in Marion, Virginia, JAMES BROWN burned a cross in front of the house of Victims #1 and #2.

3. All in violation of Title 42, United States Code, Section 3631(a).

COUNT THREE

The Grand Jury charges that:

1. On or about June 14, 2020, in the Western District of Virginia and elsewhere, JAMES BROWN knowingly used fire to commit a violation of 42 U.S.C. 3631(a), namely,

interference with the housing rights of another, as charged in Count Two, a felony prosecutable in a court of the United States.

2. On or about June 14, 2020, in the Western District of Virginia, JAMES BROWN burned a cross in front of the house of Victims #1 and #2, both of whom were African American.

3. All in violation of Title 18, United States Code, Section 844(h).

COUNT FOUR

The Grand Jury charges that:

1. On or about and between June 26, 2020, and July 2, 2020, in the Western District of Virginia and elsewhere, JAMES BROWN knowingly possessed firearms, namely,

- (a) .22 cal. revolver, Heritage MFG
- (b) 410 shotgun, Taurus Braztech LC Miami Florida

in or affecting interstate or foreign commerce, while knowingly being an unlawful user of a controlled substance.

2. All in violation of Title 18, United States Code, Section 922(g)(3).

NOTICE OF FORFEITURE

1. Upon conviction of Count Four of the Indictment, the defendant shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), any firearms and ammunition involved in the commission of the offense.

2. The property to be forfeited to the United States includes but is not limited to the following property:

FIREARMS

- (a) .22 cal. revolver, Heritage MFG, serial number 1BH066444
- (b) 410 shotgun, Taurus Braztech LC Miami Florida, serial number SR081247

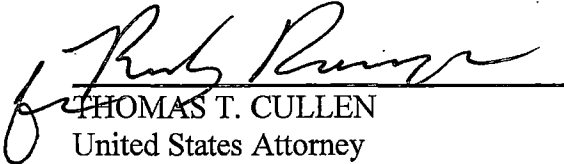
3. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with a third person;
- 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 subdivided without difficulty;

it is the intent of the United States to seek forfeiture of any other property of the defendant up to the value of the above-described forfeitable property, pursuant to 21 U.S.C. § 853(p), including but not limited to above property.

A TRUE BILL, this 21 day of July 2020.

/s/Grand Jury Foreperson


THOMAS T. CULLEN
United States Attorney