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FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

2020 JAN 27 P 4: 07

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA	*	
	*	
v.	*	**CRIMINAL NO.** TDC 20cr33
	*	
BRIAN MARK LEMLEY, JR., PATRIK JORDAN MATHEWS, and WILLIAM GARFIELD BILBROUGH IV,	*	**(8 U.S.C. § 1324(a)(1)(A)(ii), (a)(1)(A)(iii), (a)(1)(A)(v)(I), and (a)(1)(A)(v)(II) (Transporting and Harboring Certain Aliens, Conspiracy, and Aiding and Abetting); 18 U.S.C. § 922(a)(4) (Transporting Machine Gun in Interstate Commerce); 18 U.S.C. § 922(d)(5) (Disposing of Firearm and Ammunition to Illegal Alien); 18 U.S.C. § 922(g)(5) (Alien in Possession of Firearm and Ammunition); 18 U.S.C. § 924(b) (Transporting Firearm and Ammunition in Interstate Commerce With Intent to Commit Felony); 18 U.S.C. § 2 (Aiding and Abetting); Forfeiture, 8 U.S.C. § 1324(b), 18 U.S.C. §§ 924(d) & 982(a)(6), 21 U.S.C. § 853(p), 28 U.S.C. § 2461(c))**
Defendants	*	
	*	

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INDICTMENT

COUNT ONE
(Conspiracy to Transport Certain Aliens)

The Grand Jury for the District of Maryland charges that:

From on or about August 30, 2019, through on or about August 31, 2019, in the District of Maryland and elsewhere, the defendants,

BRIAN MARK LEMLEY, JR., and
WILLIAM GARFIELD BILBROUGH IV,

knowing and in reckless disregard of the fact that an alien had come to, entered, and remained in

the United States in violation of law, conspired with each other, and others known and unknown to the Grand Jury, to transport, move, and attempt to transport and move such alien within the United States by means of transportation and otherwise, in furtherance of such violation of law.

8 U.S.C. § 1324(a)(1)(A)(v)(I)

COUNT TWO
(Transporting Certain Aliens)

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

On or about August 31, 2019, in the District of Maryland and elsewhere, the defendants,

BRIAN MARK LEMLEY, JR., and
WILLIAM GARFIELD BILBROUGH IV,

knowing and in reckless disregard of the fact that an alien had come to, entered, and remained in the United States in violation of law, transported, moved, and attempted to transport and move such alien within the United States by means of transportation and otherwise, in furtherance of such violation of law.

8 U.S.C. § 1324(a)(1)(A)(ii) & (a)(1)(A)(v)(II)

COUNT THREE
(Conspiracy to Transport and Harbor Certain Aliens)

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

From on or about November 2, 2019, through on or about November 3, 2019, in the District of Maryland and elsewhere, the defendants,

BRIAN MARK LEMLEY, JR., and
WILLIAM GARFIELD BILBROUGH IV,

knowing and in reckless disregard of the fact that an alien had come to, entered, and remained in the United States in violation of law, conspired with each other, and others known and unknown to the Grand Jury, (1) to transport, move, and attempt to transport and move such alien within the United States by means of transportation and otherwise, in furtherance of such violation of law; and (2) to conceal, harbor, and shield from detection, and attempt to conceal, harbor, and shield from detection, such alien in any place, including any building and any means of transportation.

8 U.S.C. § 1324(a)(1)(A)(v)(I)

COUNT FOUR
(Transporting Certain Aliens)

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

On or about November 3, 2019, in the District of Maryland and elsewhere, the defendants,

BRIAN MARK LEMLEY, JR., and
WILLIAM GARFIELD BILBROUGH IV,

knowing and in reckless disregard of the fact that an alien had come to, entered, and remained in the United States in violation of law, transported, moved, and attempted to transport and move such alien within the United States by means of transportation and otherwise, in furtherance of such violation of law.

8 U.S.C. § 1324(a)(1)(A)(ii) & (a)(1)(A)(v)(II)

COUNT FIVE
(Harboring Certain Aliens)

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

On or about November 3, 2019, in the District of Maryland and elsewhere, the defendants,

BRIAN MARK LEMLEY, JR., and
WILLIAM GARFIELD BILBROUGH IV,

knowing and in reckless disregard of the fact that an alien had come to, entered, and remained in the United States in violation of law, concealed, harbored, and shielded from detection, and attempted to conceal, harbor, and shield from detection, such alien in any place, including any building and any means of transportation.

8 U.S.C. § 1324(a)(1)(A)(iii) & (a)(1)(A)(v)(II)

COUNT SIX
(Transporting Machine Gun in Interstate Commerce)

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

On or about January 2, 2020, in the District of Maryland and elsewhere, the defendant,

BRIAN MARK LEMLEY, JR.,

not being a licensed dealer, importer, manufacturer, and collector of firearms within the meaning of Chapter 44, Title 18, United States Code, knowingly transported in interstate commerce from Maryland to Delaware a machinegun, as defined in 26 U.S.C. § 5845, without the specific authorization of the Attorney General.

18 U.S.C. § 922(a)(4)

COUNT SEVEN
(Disposing of Firearm and Ammunition to Illegal Alien)

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

On or about January 5, 2020, in the District of Maryland and elsewhere, the defendant,

BRIAN MARK LEMLEY, JR.,

knowingly sold and otherwise disposed of any firearm and ammunition to any person knowing and having reasonable cause to believe that such person, being an alien, was illegally and unlawfully in the United States.

18 U.S.C. § 922(d)(5)

COUNT EIGHT
(Alien in Possession of Firearm and Ammunition)

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

On or about January 5, 2020, in the District of Maryland and elsewhere, the defendant,

BRIAN MARK LEMLEY, JR., and
PATRIK JORDAN MATHEWS,

knowing that he was in the United States illegally, knowingly possessed a firearm and ammunition, and the firearm and ammunition were in and affecting commerce.

18 U.S.C. § 922(g)(5)
18 U.S.C. § 2

COUNT NINE
(Transporting Firearm and Ammunition in Interstate Commerce With Intent to Commit Felony)

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

On or about January 5, 2020, in the District of Maryland and elsewhere, the defendants,

BRIAN MARK LEMLEY, JR., and
PATRIK JORDAN MATHEWS,

with intent to commit therewith an offense punishable by imprisonment for a term exceeding one year, and with knowledge and reasonable cause to believe that an offense punishable by imprisonment for a term exceeding one year was to be committed therewith—that is, disposing of a firearm and ammunition to an illegal alien, in violation of 18 U.S.C. § 922(d)(5), and being and aiding and abetting an alien in possession of a firearm and ammunition, in violation of 18 U.S.C. §§ 922(g)(5) and 2—shipped, transported, and received a firearm and ammunition in interstate commerce.

18 U.S.C. § 924(b)
18 U.S.C. § 2

COUNT TEN
(Disposing of Firearm and Ammunition to Illegal Alien)

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

On or about January 11, 2020, in the District of Maryland and elsewhere, the defendant,

BRIAN MARK LEMLEY, JR.,

knowingly sold and otherwise disposed of any firearm and ammunition to any person knowing and having reasonable cause to believe that such person, being an alien, was illegally and unlawfully in the United States.

18 U.S.C. § 922(d)(5)

COUNT ELEVEN
(Alien in Possession of Firearm and Ammunition)

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

On or about January 11, 2020, in the District of Maryland and elsewhere, the defendant,

BRIAN MARK LEMLEY, JR., and
PATRIK JORDAN MATHEWS,

knowing that he was in the United States illegally, knowingly possessed a firearm and ammunition, and the firearm and ammunition were in and affecting commerce.

18 U.S.C. § 922(g)(5)
18 U.S.C. § 2

COUNT TWELVE
(Transporting Firearm and Ammunition in Interstate Commerce With Intent to Commit Felony)

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

On or about January 11, 2020, in the District of Maryland and elsewhere, the defendants,

BRIAN MARK LEMLEY, JR., and
PATRIK JORDAN MATHEWS,

with intent to commit therewith an offense punishable by imprisonment for a term exceeding one year, and with knowledge and reasonable cause to believe that an offense punishable by imprisonment for a term exceeding one year was to be committed therewith—that is, disposing of a firearm and ammunition to an illegal alien, in violation of 18 U.S.C. § 922(d)(5), and being and aiding and abetting an alien in possession of a firearm and ammunition, in violation of 18 U.S.C. §§ 922(g)(5) and 2—shipped, transported, and received a firearm and ammunition in interstate commerce.

18 U.S.C. § 924(b)
18 U.S.C. § 2

FORFEITURE ALLEGATION

The Grand Jury for the District of Maryland further finds 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 8 U.S.C. § 1324(b), 18 U.S.C. §§ 924(d) and 982(a)(6), and 28 U.S.C. § 2461(c), in the event of the defendants' convictions under Count One through Count Twelve of this Indictment.

Alien-Related Forfeiture

2. Upon conviction of any of the offenses set forth in Count One through Count Five, the defendants,

BRIAN MARK LEMLEY, JR., and
WILLIAM GARFIELD BILBROUGH IV,

shall forfeit to the United States, pursuant to 8 U.S.C. § 1324(b), 18 U.S.C. § 982(a)(6), and 28 U.S.C. § 2461(c), any conveyance, including any vessel, vehicle, or aircraft, used in the commission of such offenses; any property, real or personal, that constitutes or is derived from, or is traceable to, the proceeds obtained directly or indirectly from the commission of such offenses; and any property, real or personal, used to facilitate or intended to be used to facilitate, the commission of such offenses.

3. The property to be forfeited includes, but is not limited to, a 2019 Chevrolet Colorado ZR2 (VIN 1GCPTEE18K1133848).

Firearms and Ammunition Forfeiture

4. Upon conviction of any of the offenses set forth in Count Six through Count Twelve, the defendants,

BRIAN MARK LEMLEY, JR., and
PATRIK JORDAN MATHEWS,

shall forfeit to the United States, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), any firearms and ammunition involved in those offenses.

Substitute Assets

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

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,

the United States, pursuant to 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c),shall be entitled to forfeiture of substitute property up to the value of the forfeitable property described above.

8 U.S.C. § 1324(b)
18 U.S.C. § 924(d)
18 U.S.C. § 982(a)(6)
21 U.S.C. § 853(p)
28 U.S.C. § 2461(c)

Robert K. Hur /(TW)
Robert K. Hur
United States Attorney

A TRUE BILL:

SIGNATURE REDACTED

Foreperson

Date: January 27, 2020