



IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

UNITED STATES OF AMERICA)

v.)

MICHAEL CASEY BROWN,)
(Counts 1, 2, 3))

ARCHIE LEE McCLENNAN,)
a/k/a "Pops,")
(Counts 1, 2, 4, 5, 6))

and)

ALEX LEE McELHANEY,)
(Counts 1, 2, 5))

Defendants.)

CRIMINAL NO. 2:12cr 53

) 21 U.S.C. § 963
) Conspiracy to Import a Controlled
) Substance
) (Count 1)

) 21 U.S.C. § 846
) Conspiracy to Distribute and Possess with
) Intent to Distribute a Controlled Substance
) (Count 2)

) 21 U.S.C. § 841(a)(1)
) Possession with Intent
) to Distribute a Controlled Substance
) (Counts 3 and 4)

) 18 U.S.C. § 924(e)
) Carry and Possess a Firearm in
) Furtherance of a Drug Trafficking Crime
) (Count 5)

) 18 U.S.C. § 922(g)(1)
) Felon in Possession of a Firearm
) (Count 6)

) 21 U.S.C. § 853
) 18 U.S.C. § 924(d)
) Forfeiture Allegation

INDICTMENT

April 2012 Term - at Norfolk, Virginia

THE GRAND JURY CHARGES THAT:

COUNT ONE

From on or about October 21, 2011, and continuously thereafter up to and including on or about February 2, 2012, in the Eastern District of Virginia and elsewhere, MICHAEL CASEY

BROWN, ARCHIE LEE McCLENNAN and ALEX LEE McELHANEY did unlawfully, knowingly and intentionally combine, conspire, confederate, and agree together and with other persons, both known and unknown, to commit the following offense against the United States:

1. To knowingly, intentionally and unlawfully import a quantity of a mixture and substance containing a detectable amount of 3,4-Methylenedioxy-N-methylcathinone, also known as Methylone, a Schedule I controlled substance, into the United States from China, a place outside the United States, in violation of Title 21, United States Code, Sections 952, 960(a)(1) and (b)(3).

(In violation of Title 21, United States Code, Section 963).

COUNT TWO

From on or about October 21, 2011, and continuously thereafter up to and including on or about February 2, 2012, in the Eastern District of Virginia and elsewhere, MICHAEL CASEY BROWN, ARCHIE LEE McCLENNAN and ALEX LEE McELHANEY did unlawfully, knowingly and intentionally combine, conspire, confederate and agree together and with other persons, both known and unknown, to commit one or more of the following offenses against the United States:

1. To knowingly, intentionally and unlawfully distribute and possess with the intent to distribute a quantity of a mixture and substance containing a detectable amount of 3,4-Methylenedioxy-N-methylcathinone, also known as Methylone, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

(In violation of Title 21, United States Code, Section 846).

COUNT THREE

On or about February 2, 2012, at Portsmouth, in the Eastern District of Virginia, MICHAEL CASEY BROWN did unlawfully, knowingly and intentionally possess with intent to distribute a quantity of a mixture and substance containing a detectable amount of 3,4-Methylenedioxy-N-methylcathinone, also known as Methylone, a Schedule I controlled substance.

(In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C)).

COUNT FOUR

On or about February 2, 2012, at Portsmouth, in the Eastern District of Virginia, ARCHIE LEE McCLENNAN did unlawfully, knowingly and intentionally possess with intent to distribute a quantity of a mixture and substance containing a detectable amount of 3,4-Methylenedioxy-N-methylcathinone, also known as Methylone, a Schedule I controlled substance.

(In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C)).

COUNT FIVE

From on or about October 21, 2011, and continuously thereafter up to and including on or about February 2, 2012, at Portsmouth, in the Eastern District of Virginia, ARCHIE LEE McCLENNAN and ALEX LEE McELHANEY did unlawfully, knowingly and intentionally carry and possess one or more firearms, that is, one Industria Nacional de Armas Model Tigre .32 caliber revolver handgun, one Davis Industries Model D22 .22 caliber derringer handgun, and one RG Industries Model RG23 .22 caliber revolver handgun, during and in relation to and in furtherance of a drug trafficking crime for which they may be prosecuted in a court of the United States.

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

COUNT SIX

On or about February 2, 2012, at Portsmouth, in the Eastern District of Virginia, ARCHIE LEE McCLENNAN, having been previously convicted of a felony crime punishable by imprisonment for a term exceeding one year, did unlawfully and knowingly possess in and affecting commerce one or more firearms, that is, one Industria Nacional de Armas Model Tigre .32 caliber revolver handgun, one Davis Industries Model D22 .22 caliber derringer handgun, and one RG Industries Model RG23 .22 caliber revolver handgun, all of which had been shipped and transported in interstate and foreign commerce.

(In violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2)).

FORFEITURE ALLEGATION

1. The defendants, MICHAEL CASEY BROWN, ARCHIE LEE McCLENNAN and ALEX LEE McELHANEY, if convicted of any of the violations alleged in Counts One through Three of this Indictment, as part of the sentencing of the defendants pursuant to F.R.Cr.P. 32.2 and 21 U.S.C. § 853, shall forfeit to the United States:

a. Any property, real or personal used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of a violation of 21 U.S.C. § 846 or any property traceable to such property;

b. Any property, real or personal, constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of a violation of 21 U.S.C. § 846; and,

c. Any other property of the defendant up to the value of the property subject to forfeiture above, if any property subject to forfeiture above, (a) cannot be located upon the exercise of due diligence, (b) has been transferred to, 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 that cannot be subdivided without difficulty.

2. The defendants, ARCHIE LEE McCLENNAN and ALEX LEE McELHANEY, if convicted of any of the violations alleged in Counts Four through Six of this Indictment, shall forfeit to the United States their interest in one Industria Nacional de Armas Model Tigre .32 caliber revolver handgun bearing serial number 222485, one Davis Industries Model D22 .22 caliber derringer handgun bearing serial number 400611, and one RG Industries Model RG23 .22 caliber revolver handgun bearing serial number 250318.

(All in accordance with Title 21, United States Code, Section 853 and Title 18, United States Code, Section 924(d).)

United States v. Michael Casey Brown, et al.
Criminal No. 2:12cr **53**

A TRUE BILL:

Redacted

FOREPERSON

NEIL H. MACBRIDE
UNITED STATES ATTORNEY

By:

Redacted

Darryl J. Mitchell
Assistant United States Attorney
Virginia Bar No. 37411
Attorney for the United States
United States Attorney's Office
101 West Main Street, Suite 8000
Norfolk, Virginia 23510
Office Number - 757-441-6331
Facsimile Number - 757-441-6689
E-Mail Address - darryl.mitchell@usdoj.gov

REDACTED

JS 45 (11/2002)

Criminal Case Cover Sheet

U.S. District Court

Place of Offense: EDVA **Under Seal:** Yes ___ No X **Judge Assigned:** _____
 City EDVA **Superseding Indictment** _____ **Criminal Number:** 2:12CR 53
 County/Parish _____ **Same Defendant** _____ **New Defendant** _____
 Magistrate Judge Case Number 2:12mj140 **Arraignment Date:** _____
 Search Warrant Case Number _____
 R 20/R 40 from District of _____

Defendant Information:

Juvenile --Yes ___ No X FBI # 723000ND0
Defendant Name: Alex Lee McElhaney **Alias Name(s)** _____
Address: xxxxxxxxxxxxxxxxxxx, Portsmouth, VA 23704
Employment: _____
Birth date xx/xx/1993 **SS#** xxx-xx-2189 **Sex** M **Def Race** White **Nationality** US **Place of Birth** _____
Height 5'7" **Weight** 140 **Hair** brown **Eyes** brown **Scars/Tattoos** _____
Interpreter: X **No ___ Yes** **List language and/or dialect:** _____

Location Status:

Arrest Date 3/15/12
X **Already in Federal Custody as of** 3/15/12 **in** EDVA
 ___ **Already in State Custody** ___ **On Pretrial Release** ___ **Not in Custody**
 ___ **Arrest Warrant Requested** ___ **Fugitive** ___ **Summons Requested**
 ___ **Arrest Warrant Pending** ___ **Detention Sought** ___ **Bond** _____

Defense Counsel Information:

Name: Richard Scott Yarow X **Court Appointed**
524 Middle St
Address: Portsmouth, VA 23704 ___ **Retained**
Telephone: (757) 337-3963 ___ **Public Defender**

U.S. Attorney Information:

AUSA Darryl J. Mitchell **Telephone No:** 757-441-6331 **Bar #** _____

Complainant Agency, Address & Phone Number or Person & Title:

Homeland Security Investigations, 200 Granby Street, Suite 600, Norfolk, VA 23510, SA Brian Lewis, 757-441-6533

U.S.C. Citations:

	<u>Code/Section</u>	<u>Description of Offense Charged</u>	<u>Count(s)</u>	<u>Capital/Felony/Misd/Petty</u>
Set 1	<u>21 U.S.C. § 963</u>	<u>Conspiracy to Import a Controlled Substance</u>	<u>1</u>	<u>Felony</u>
Set 2	<u>21 U.S.C. § 846</u>	<u>Conspiracy to Distribute and Possess with Intent to Distribute a Controlled Substance</u>	<u>2</u>	<u>Felony</u>
Set 3	<u>18 U.S.C. § 924(c)</u>	<u>Carry and Possess a Firearm in Furtherance of a Drug Trafficking Crime</u>	<u>5</u>	<u>Felony</u>

(May be continued on reverse)

JS 45 (1/96) Reverse

Defendant's Name

Alex Lee McElhane

District Court Case Number (To be filled by deputy clerk):

U.S.C. Citations (continued)

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count(s)</u>
Set 4	21 U.S.C. § 853 and 18 U.S.C. § 924(d)	Forfeiture Allegation	Forfeiture
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
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Set 22	_____	_____	_____
Set 23	_____	_____	_____
Set 24	_____	_____	_____
Set 25	_____	_____	_____
Set 26	_____	_____	_____
Set 27	_____	_____	_____
Set 28	_____	_____	_____
Set 29	_____	_____	_____
Set 30	_____	_____	_____
Set 31	_____	_____	_____

REDACTED

JS 45 (11/2002)

Criminal Case Cover Sheet

U.S. District Court

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 City EDVA **Superseding Indictment** _____ **Criminal Number:** 2:12CR53
 County/Parish _____ **Same Defendant** _____ **New Defendant** _____
 Magistrate Judge Case Number 2:12mj140 **Arraignment Date:** _____
 Search Warrant Case Number _____
 R 20/R 40 from District of _____

Defendant Information:

Juvenile --Yes ___ No **FBI #** 691723H
Defendant Name: Archie Lee McClennan **Alias Name(s) a/k/a "Pops"** _____
Address: xxxxxxxxxxxxxxxxxxxxx, Portsmouth, VA 23704
Employment: _____
Birth date xx/xx/1946 **SS#** xxx-xx-1373 **Sex** M **Def Race** White **Nationality** US **Place of Birth** _____
Height 5'11" **Weight** 280 **Hair** brown **Eyes** blue **Scars/Tattoos** _____
Interpreter: No ___ Yes **List language and/or dialect:** _____

Location Status:

Arrest Date 3/15/12
 Already in Federal Custody as of 3/15/12 **in** EDVA
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Defense Counsel Information:

Name: Walter Bruce Dalton ___ **Court Appointed**
150 Boush St., Suite 403
Address: Norfolk, VA 23510 ___ **Retained**
Telephone: (757) 457-0800 **Public Defender**

U.S. Attorney Information:

AUSA Darryl J. Mitchell **Telephone No:** 757-441-6331 **Bar #** _____

Complainant Agency, Address & Phone Number or Person & Title:

Homeland Security Investigations, 200 Granby Street, Suite 600, Norfolk, VA 23510, SA Brian Lewis, 757-441-6533

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Set 3	<u>21 U.S.C. § 841(a)(1)</u>	<u>Possession with Intent to Distribute a Controlled Substance</u>	<u>4</u>	<u>Felony</u>

(May be continued on reverse)

JS 45 (1/96) Reverse

Defendant's Name

Archie Lee McClennan

District Court Case Number (To be filled by deputy clerk):

U.S.C. Citations (continued)

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count(s)</u>
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Set 5	<u>18 U.S.C. § 922(g)(1)</u>	<u>Felon in Possession of a Firearm</u>	<u>6</u> <u>Felony</u>
Set 6	<u>21 U.S.C. § 853 and 18 U.S.C. § 924(d)</u>	<u>Forfeiture Allegation</u>	<u>Forfeiture</u>
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
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Set 24	_____	_____	_____
Set 25	_____	_____	_____
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 Search Warrant Case Number _____
 R 20/R 40 from District of _____

Defendant Information:

Juvenile --Yes ___ No X FBI # 722938ND1
Defendant Name: Michael Casey Brown **Alias Name(s)** _____
Address: xxxxxxxxxxxxxxxxxxxxx, Portsmouth, VA 23703
Employment: _____
Birth date xx/xx/1990 **SS#** xxx-xx-4540 **Sex** M **Def Race** White **Nationality** US **Place of Birth** _____
Height 5'8" **Weight** 140 **Hair** brown **Eyes** brown **Scars/Tattoos** _____
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 ___ **Arrest Warrant Pending** ___ **Detention Sought** ___ **Bond** _____

Defense Counsel Information:

Name: William L. Taliaferro, Jr. ___ **Court Appointed**
220 West Freemason St
Address: Norfolk, VA 23510 X **Retained**
Telephone: (757) 275-5000 ___ **Public Defender**

U.S. Attorney Information:

AUSA Darryl J. Mitchell **Telephone No:** 757-441-6331 **Bar #** _____

Complainant Agency, Address & Phone Number or Person & Title:

Homeland Security Investigations, 200 Granby Street, Suite 600, Norfolk, VA 23510, SA Brian Lewis, 757-441-6533

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Set 3	<u>21 U.S.C. § 841(a)(1)</u>	<u>Possession with Intent to Distribute a Controlled Substance</u>	<u>3</u>	<u>Felony</u>

(May be continued on reverse)

JS 45 (1/96) Reverse

Defendant's Name

Michael Casey Brown

District Court Case Number (To be filled by deputy clerk):

U.S.C. Citations (continued)

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count(s)</u>
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Set 8	_____	_____	_____
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Set 31	_____	_____	_____