

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FILED

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CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA,

Plaintiff,

v.

(1) James Matthew BRADLEY Jr.,

Defendant.

CRIMINAL NO:

SA 17 CR 0649 DAE

[Vio: **Count 1-8 U.S.C. § 1324(a)**

(1)(A)(v)(I), & 8 U.S.C. § 1324(a)

(1)(A)(ii)(iii), (B)(i), & (B)(iv)

Conspiracy to Transp. Aliens for
Financial Gain Resulting in Death

Count 2 - 8 U.S.C. § 1324(a)(1)(A)(v)

(I), (a)(1)(A)(ii)(iii), (B)(iii) & 8 U.S.C.

§ 1324 (a)(1), Conspiracy to Transp.

Aliens for Financial Gain Resulting in
Serious Bodily Injury and Placing lives

in Jeopardy; **Count 3- 8 U.S.C. §**

1324(a)(1)(A)(ii), (B)(iv) Transp. of

Aliens Resulting in Death; **Count 4**

8 U.S.C. § 1324(a)(1)(A), (a)(1)(A)(ii),

(iii), (B)(iii) Transp. and Harboring of

Aliens Resulting in Serious Bodily Injury
and Placing lives in Jeopardy; **Count 5-**

18 § 922(g)(1) Possession of a Firearm

by Felon]

COUNT ONE

[8 U.S.C. § 1324(a)(1)(A)(v)(I)]

[8 U.S.C. § 1324(a)(1)(A)(ii), (iii), (B)(i), & (B)(iv)]

Beginning on or about July 12, 2017 and continuing through on or about July 24, 2017, in
the Western District of Texas, and elsewhere, Defendant,

(1) James Matthew BRADLEY Jr.,

and others, known and unknown to the grand jury, for the purpose of commercial advantage and
private financial gain, conspired, combined confederated with each other and with others known
and unknown to the Grand Jury to commit offenses against the United States, namely the
Defendant and others conspired to

a. Transport and move and attempt to transport and move aliens within the United States by means of transportation and otherwise, while knowing and in reckless disregard of the fact that the aliens had come to, entered, and remained in the United States in violation of law in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii); and

b. To conceal, harbor, and shield and to attempt to conceal, harbor and shield from detection, in buildings and other places and by means of transportation, aliens who had come to, entered, and remained in the United States in violation of law, while knowing and in reckless disregard of the fact that the aliens had come to, entered, and remained in the United States in violation of law in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iii).

During which and in relation to this offense, Defendants conduct resulted in the death of persons, all in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iii); (B)(i) and (iv).

COUNT TWO

[8 U.S.C. § 1324(a)(1)(A)(v)(I)]

[8 U.S.C. § 1324(a)(1)(A)(ii), (A)(iii), (B)(i), & (B)(iii)]

Beginning on or about July 12, 2017 and continuing through on or about July 24, 2017, in the Western District of Texas, and elsewhere, Defendant,

(1) James Matthew BRADLEY Jr.,

and others, both known and unknown to the grand jury, for the purpose of commercial advantage and private financial gain, conspired, combined confederated with each other and with others known and unknown to the Grand Jury to commit offenses against the United States, namely the Defendant and others conspired to

a. Transport and move and attempt to transport and move aliens within the United States by means of transportation and otherwise, while knowing and in reckless disregard of the fact that the aliens had come to, entered, and remained in the United States in violation of law in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii); and

b. To conceal, harbor, and shield and to attempt to conceal, harbor and shield from detection, in buildings and other places and by means of transportation, aliens who had come to, entered, and remained in the United States in violation of law, while knowing and in reckless disregard of the fact that the aliens had come to, entered, and remained in the United States in violation of law in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iii).

During which and in relation to this offense, Defendants conduct caused serious bodily injury to and placed in jeopardy the life of one or more persons all in violation of Title 8, United States Code, Section 1324(a)(1),(B)(iii) and (B)(iii).

COUNT THREE

[8 U.S.C. § 1324(a)(1)(A)(ii), (B)(iv)]
[8 U.S.C. § 1324(a)(1)(A)]

That beginning on or about July 22, 2017 through and including on or about July 23, 2017, in the Western District of Texas, Defendant,

(1) James Matthew BRADLEY Jr.,

and others known and unknown to the grand jury, knowing and in reckless disregard of the fact that the hereinafter named aliens had come to, entered and remained in the United States in violation of law, transported and moved, and attempted to transport and move, in furtherance of such violation of law, certain aliens, namely, Ruben Hernandez-Vargas, Osbaldo Rodriguez-Cerda, Frank Fuentes-Gonzalez, Jorge Reyes-Noveron, Mariano Lopez-Cano, Jose Rodriguez-Aspeitia, Benjamin Martinez-Arredondo, Ricardo Martinez-Esparza, unidentified male 1, and unidentified male 2 in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii), and such offense resulted in the death of one or more persons in violation of Title 8, United States Code, Section 1324(a)(1)(B)(iv).

COUNT FOUR

[8 U.S.C. § 1324(a)(1)(A)(ii), (B)(iii)]

[8 U.S.C. § 1324(a)(1)(A)(v)(II)]

That beginning on or about July 22, 2017 through and including on or about July 23, 2017,
in the Western District of Texas, Defendant,

(1) James Matthew BRADLEY Jr.,

and others aided and abetted others, knowing and in reckless disregard of the fact that the hereinafter named aliens had come to, entered and remained in the United States in violation of law, transported and moved, and attempted to transport and move, in furtherance of such violation of law, certain aliens, namely, J.D.M.J., D.D.L-C., J.D.T-A., E. R.M., C.A.R., H.V.H., G.L.G., T.H.C., R.E.V., M.F-C., F.L.A., V.P.V., L.D.S.J., J.L.G.M., M.H.C., H.L.C., A.L.V., M.A.R-M, G. H.C., J.S.R., H.C.C., and C. I.C. all in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii), and Title 8, United States Code, Section 1324(a)(1)(A)(v)(II) and such offense caused serious bodily injury to and placed in jeopardy the life of one or more persons in violation of Title 8, United States Code, Section 1324(a)(1)(B)(iii).

COUNT FIVE

[18 §§ 922(g)(1) & 924(a)(2)]

That on or about July 23, 2017, in the Western District of Texas, Defendant,

JAMES MATTHEW BRADLEY Jr.,

being a person who has been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess, in and affecting commerce, a firearm, specifically a Cobra, model CB 38, Derringer pistol, .38 caliber serial number CT206902 such firearm having been shipped and transported in interstate commerce, all in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

NOTICE OF UNITED STATES OF AMERICA'S DEMAND FOR FORFEITURE

[See Fed. R. Crim. P. 32.2]

This Notice of Demand for Forfeiture includes but is not limited to the properties in Paragraphs III and IV.

I.

Alien Smuggling Violations and Forfeiture Statutes

[Title 8 U.S.C. §§ 1324 (a)(1)(A)(v)(I), (II), (a)(1)(A)(ii), (iii), (iv), B(i), (iii), and (iv), subject to forfeiture pursuant to Title 18 U.S.C. § 982(a)(6) and 8 U.S.C. § 1324(b), made applicable to criminal forfeiture by Title 28 U.S.C. § 2461.]

As a result of the foregoing criminal violations set forth in Count One through Five, the United States of America gives notice to Defendants JAMES MATTHEW BRADLEY Jr. of its intent to seek the forfeiture of the below described properties upon conviction and pursuant to Fed. R. Crim. P. 32.2 and Title 18 U.S.C. §§ 982(a)(6)(A) and 8 U.S.C. § 1324(b), made applicable to criminal forfeiture by Title 28 U.S.C. § 2461, which state:

Title 18 U.S.C. § 982. Criminal Forfeiture

(a)(6)(A) The court, in imposing sentence on a person convicted of a violation of, or conspiracy to violate, . . . the Immigration and Nationality Act . . . shall order that the person forfeit to the United States, regardless of any provision of State law -

- (i) any conveyance, including any...vehicle...used in the commission of the offense of which the person is convicted; and
- (ii) any property real or personal -
 - (I) that constitutes, or is derived from or is traceable to the proceeds obtained directly or indirectly from the commission of the offense of which the person is convicted; . . .

Title 8 U.S.C. § 1324(b) Seizure and forfeiture

(1) In general

Any conveyance, including any vessel, vehicle, or aircraft that has been or is being used in the commission of a violation of subsection (a) of this section, the gross proceeds of such violation, and any property traceable to such conveyance or proceeds, shall be seized and subject to forfeiture.

II.

Firearm Violation and Forfeiture Statutes

[Title 18 U.S.C. § 922(g)(1), subject to forfeiture pursuant to Title 18 U.S.C. § 924(d)(1), made applicable to criminal forfeiture by Title 28 U.S.C. § 2461]

As a result of the criminal violation set forth in Count Six, the United States of America gives notice to Defendant JAMES MATTHEW BRADLEY Jr. of its intent to seek the forfeiture

of the below described properties upon conviction and pursuant to Fed. R. Crim. P. 32.2 and Title 18 U.S.C. § 924(d)(1), made applicable to criminal forfeiture by Title 28 U.S.C. § 2461, which states:

Title 18 U.S.C. § 924. Penalties

(d)(1) Any firearm or ammunition involved in or used in any knowing violation of subsection . . . (g) . . . of section 922 . . . shall be subject to seizure and forfeiture. . . under the provisions of this chapter. . .

III.

Personal Property

1. One (1) 1999 Peterbilt 379 Tractor, Vin: 1XP5D69X3XD494482;
2. One (1) 2004 white in color, Great Dane Trailer, Semi Trailer, VIN: 1GRAA06214W702699;
3. \$5,642.51, more or less, in U.S. Currency;
4. Cobra, model CB 38, Derringer pistol, .38 caliber serial number CT206902;
5. Any related ammunition and firearm accessories; and
6. One (1) 1978 Mobile home 14x66 American-White & Yellow S#PTLU51068 located on LOT 7 BLK 643 ED.

A TRUE BILL.



FOREPERSON OF THE GRAND JURY

RICHARD L. DURBIN, JR
UNITED STATES ATTORNEY

BY:


CHRISTINA PLAYTON
Assistant U.S. Attorney

BY:


MATTHEW LATHROP
Assistant U.S. Attorney