

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

ROBERT MADAY

No.

Violations: Title 18, United States
Code, Sections 751(a), 2113(a) and (d),
922(g)(1), 924(c)(1)(A), and 924(e)(1)

COUNT ONE

The SPECIAL FEBRUARY 2011-2 GRAND JURY charges:

On or about September 17, 2009, at Rolling Meadows, in the Northern District of Illinois,
Eastern Division, and elsewhere,

ROBERT MADAY,

defendant herein, while in custody by virtue of an arrest on a felony charge of bank robbery,
knowingly escaped from the custody of an authorized representative of the Attorney General, and
from custody under and by virtue of process issued under the laws of the United States by a
magistrate judge, namely, a detention order from the United States District Court for the Northern
District of Illinois;

In violation of Title 18, United States Code, Section 751(a).

COUNT TWO

The SPECIAL FEBRUARY 2011-2 GRAND JURY further charges:

On or about September 17, 2009, at Rolling Meadows, in the Northern District of Illinois, Eastern Division, and elsewhere,

ROBERT MADAY,

defendant herein, did knowingly use and carry a firearm, namely, a Heckler and Koch USP .40 semi-automatic pistol bearing serial number 26-042984 and a Smith and Wesson .38 SPL revolver bearing serial number AWC7413, during and in relation to a crime of violence for which defendant may be prosecuted in a court of the United States, namely, escape from custody, in violation of Title 18, United States Code, Section 751(a), as alleged in Count One of this indictment;

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

COUNT THREE

The SPECIAL FEBRUARY 2011-2 GRAND JURY further charges:

On or about September 18, 2009, at Bloomingdale, in the Northern District of Illinois, Eastern Division,

ROBERT MADAY,

defendant herein, by intimidation took from the person and presence of a bank employee approximately \$32,975 belonging to and in the care, custody, control, management, and possession of First American Bank, 80 Stratford Drive, Bloomingdale, Illinois, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and in committing such offense, put in jeopardy the life of any person by the use of a dangerous weapon, namely a firearm;

In violation of Title 18, United States Code, Sections 2113(a) and (d).

COUNT FOUR

The SPECIAL FEBRUARY 2011-2 GRAND JURY further charges:

On or about September 18, 2009, at Bloomingdale, in the Northern District of Illinois, Eastern Division,

ROBERT MADAY,

defendant herein, did knowingly use and carry a firearm, namely, a Heckler and Koch USP .40 semi-automatic pistol bearing serial number 26-042984 and a Smith and Wesson .38 SPL revolver bearing serial number AWC7413, during and in relation to a crime of violence for which defendant may be prosecuted in a court of the United States, namely, bank robbery, in violation of Title 18, United States Code, Section 2113(a), as alleged in Count Three of this indictment;

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

COUNT FIVE

The SPECIAL FEBRUARY 2011-2 GRAND JURY further charges:

From on or about September 17, 2009, to and including on or about September 18, 2009, in the Northern District of Illinois, Eastern Division,

ROBERT MADAY,

defendant herein, having previously been convicted of a crime punishable by a term of imprisonment exceeding one year, did knowingly possess a firearm, namely, a Heckler and Koch USP .40 semi-automatic pistol bearing serial number 26-042984 and a Smith and Wesson .38 SPL revolver bearing serial number AWC7413, which firearm was in and affecting interstate commerce in that the firearm had traveled in interstate commerce prior to the defendant's possession of the firearm;

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

FORFEITURE ALLEGATION ONE

The SPECIAL FEBRUARY 2011-2 GRAND JURY further charges:

1. The allegations contained in this Indictment are incorporated here for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c).

2. As a result of his violations of Title 18, United States Code, Sections 922(g)(1) and 924(c), as alleged in Counts Two, Four, and Five of the foregoing Indictment,

ROBERT MADAY,

defendant herein, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c), any and all right, title, and interest he may have in any property, real or personal, which constitutes or is derived from proceeds traceable to the charged offenses.

3. The property of the defendant subject to forfeiture pursuant to Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c), includes but is not limited to the Heckler and Koch USP .40 semi-automatic pistol bearing serial number 26-042984, loaded with 13 rounds of ammunition, and the Smith and Wesson .38 SPL revolver bearing serial number AWC7413, loaded with five rounds of ammunition.

All pursuant to Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c).

FORFEITURE ALLEGATION TWO

The SPECIAL FEBRUARY 2011-2 GRAND JURY further charges:

1. The allegations contained in this Indictment are incorporated here for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c).

2. As a result of his violation of Title 18, United States Code, Section 2113(a), as alleged in Count Three of the foregoing Indictment,

ROBERT MADAY,

defendant herein, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), any and all right, title, and interest he may have in any property, real or personal, which constitutes or is derived from proceeds traceable to the charged offenses.

3. The property of the defendant subject to forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), includes but is not limited to \$32,947 in United States Currency seized by law enforcement from ROBERT MADAY and the vehicle he was driving on September 18, 2009.

4. If the property described above as being subject to forfeiture, 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 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;

e. has been commingled with other property which cannot be subdivided without difficulty;

the United States of America shall be entitled to forfeiture of substitute property under the provisions of Title 21, United States Code, Section 853(p) as incorporated by Title 28, United States Code, Section 2461(c);

All pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c).

A TRUE BILL:

FOREPERSON

UNITED STATES ATTORNEY