

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,)	
)	Criminal No.
)	
v.)	<u>Count One</u> : 18 U.S.C. § 201(c)
)	(Gratuity)
)	
MARKUS E. MCCLAIN)	and Criminal Forfeiture
)	
Defendant.)	
)	

The United States of America charges that:

INFORMATION

COUNT ONE

[18 U.S.C. § 201(c)(1)(B) - Gratuity]

1. In or about September 2004, the exact dates being unknown, in Kuwait and elsewhere, the Defendant

MARKUS E. MCCLAIN

being a public official, otherwise than as provided by law for the proper discharge of official duty, did, directly or indirectly, demand, seek, receive, accept, and agree to receive and accept something of value for or because of official acts performed or to be performed by him; that is, MCCLAIN received items of value totaling approximately \$15,000, namely cash, from a government contractor for or because of actions taken in his official capacity regarding the award of a Department of Defense (“DOD”) contract for the leasing of vehicles at Camp Arifjan, Kuwait, to that contractor.

All in violation of Title 18, United States Code, Section 201, and pursuant to the

extraterritorial venue provision, Title 18, United States Code, Section 3238.

CRIMINAL FORFEITURE

**18 U.S.C. § 981(a)(1)(C);
28 U.S.C. § 2461 – Criminal Forfeiture**

2. Pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), the Defendant, once convicted of Count One (gratuity, in violation of 18 U.S.C. § 201(c)(1)(B)) shall forfeit to the United States the following property:

a. Any property, real or personal, which constitutes or is derived from proceeds traceable to the offense.

b. A sum of money equal to the total amount of proceeds traceable to the conduct, in violation of 18 U.S.C. § 201(c)(1)(B), charged in Count One, for which the Defendant is convicted, and the conduct described in the factual basis for the Defendant's plea.


3. Pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 26, United States Code, Section 2461, the Defendant shall forfeit substitute property, up to the value of the amount described in the foregoing paragraphs, if, by any act or omission of a Defendant, the property described in such paragraphs, or any portion thereof, cannot be located upon the exercise of due diligence; has been transferred, sold to or deposited with a third party; has been placed beyond the jurisdiction of the Court; has been substantially diminished in value; or has been commingled with other property which cannot be divided without difficulty.


DATED: Feb. 26, 2010, at Washington, D.C.

FOR THE UNITED STATES

LISA M. PHELAN, Chief
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