

# United States District Court

FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

2013 SE. 19 11:50  
3:25  
U.S. DISTRICT COURT  
SAN FRANCISCO, CALIF.

UNITED STATES OF AMERICA,

v.

*CR12-885 CRB*

MATTHEW DAVID GRAVES,

DEFENDANT(S).

## SUPERSEDING INDICTMENT

COUNT ONE: 21 U.S.C. § 846 – Conspiracy to Manufacture and Possess With Intent to Marijuana; COUNTS TWO, THREE, FOUR: 21 U.S.C. § 841(a)(1) – Manufacture and Possession With Intent to Distribute Marijuana; COUNTS FIVE, SIX, SEVEN, & EIGHT: 18 U.S.C. § 1956(a)(1)(B)(i) – Money Laundering; COUNT NINE: 18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm; FORFEITURE ALLIGATION: 21 U.S.C. §§ 853(a)(1) and (2) – Drug Forfeiture

A true bill.

*Nancy J. Peterson*  
Foreman

Filed in open court this 19<sup>th</sup> day of

September, 2013

NO PROCESS

*Jmya*  
Clerk

Bail, \$ \_\_\_\_\_

**Maria Elena James**  
United States Chief Magistrate Judge

AO 257 (Rev. 6/78)

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**

BY:  COMPLAINT  INFORMATION  INDICTMENT

SUPERSEDING

**OFFENSE CHARGED**

- 21 U.S.C. Section 846
- 21 U.S.C. Section 841(a)(1)
- 18 U.S.C. Section 1956(a)(1)(B)(i)
- 18 U.S.C. Section 922(g)(1)

- Petty
- Minor
- Misdemeanor
- Felony

PENALTY: See Attachment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

**DEFENDANT - U.S.**

MATTHEW DAVID GRAVES

DISTRICT COURT NUMBER  
12-0885 CRB

**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

Drug Enforcement Agency

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprosecution of charges previously dismissed which were dismissed on motion of:

U.S. ATTORNEY  DEFENSE

SHOW DOCKET NO.

this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

12-71286

Name and Office of Person

Furnishing Information on this form MELINDA HAAG

U.S. Attorney  Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) Kevin Barry

**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

- 1)  If not detained give date any prior summons was served on above charges
- 2)  Is a Fugitive
- 3)  Is on Bail or Release from (show District)

Northern District of California

**IS IN CUSTODY**

- 4)  On this charge
- 5)  On another conviction }  Federal  State
- 6)  Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed?  Yes  No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

This report amends AO 257 previously submitted

**ADDITIONAL INFORMATION OR COMMENTS**

**PROCESS:**

SUMMONS  NO PROCESS\*  WARRANT

Bail Amount: \_\_\_\_\_

If Summons, complete following:

Arraignment  Initial Appearance

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address: \_\_\_\_\_

Date/Time: \_\_\_\_\_ Before Judge: \_\_\_\_\_

Comments: \_\_\_\_\_

**Attachment to Penalty Sheet**  
**United States v. Mathew David Graves**  
**CR 12-0885 CRB**

**Superseding Indictment**

**Offenses Charged**

Count One	21 U.S.C. § 846 – Conspiracy to Manufacture and Possess With Intent to Distribute 100 or More Marijuana Plants
Count Two	21 U.S.C. §§ 841(a)(1), 841(b)(1)(B)(vii) – Manufacture and Possession With Intent to Distribute 100 or More Marijuana Plants
Count Three	21 U.S.C. §§ 841(a)(1), 841(b)(1)(B)(vii) – Manufacture and Possession With Intent to Distribute 100 or More Marijuana Plants
Count Four	21 U.S.C. §§ 841(a)(1), 841(b)(1)(B)(vii) – Manufacture and Possession With Intent to Distribute 100 or More Marijuana Plants
Count Five	18 U.S.C. § 1956(a)(1)(B)(i) – Money Laundering
Count Six	18 U.S.C. § 1956(a)(1)(B)(i) – Money Laundering
Count Seven	18 U.S.C. § 1956(a)(1)(B)(i) – Money Laundering
Count Eight	18 U.S.C. § 1956(a)(1)(B)(i) – Money Laundering
Count Nine	18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm

**Maximum Penalties**

Counts One, Two, Three, and Four	40 years' imprisonment, with a mandatory minimum of 5 years' imprisonment; \$5,000,000 fine; lifetime supervised release, with a 3 year minimum term of supervised release; \$100 special assessment
Counts Five, Six, Seven, and Eight	20 years' imprisonment; \$500,000 fine, or twice the value of the property involved in the transaction; 3 years' supervised release; \$100 special assessment

Count Nine            10 years' imprisonment; \$250,000 fine; 3 years of supervised release; \$100 special assessment

FILED  
SEP 19 P 3:25  
U.S. DISTRICT COURT  
SAN FRANCISCO, CALIF.

1 MELINDA HAAG (CABN 132612)  
2 United States Attorney

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6  
7  
8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION  
11

12  
13 UNITED STATES OF AMERICA, ) No. CR 12-0885 CRB  
14 Plaintiff, )  
15 v. ) VIOLATIONS: 21 U.S.C. § 846 – Conspiracy to  
16 MATTHEW DAVID GRAVES, ) Manufacture and Possess With Intent to Marijuana;  
17 Defendant. ) 21 U.S.C. § 841(a)(1) – Manufacture and Possession  
18 ) With Intent to Distribute Marijuana; 18 U.S.C. §  
19 ) 1956(a)(1)(B)(i) – Money Laundering; 18 U.S.C. §  
20 ) 922(g)(1) – Felon in Possession of a Firearm; 21  
21 ) U.S.C. §§ 853(a)(1) and (2) – Drug Forfeiture  
22 ) Allegation  
23 )  
24 ) SAN FRANCISCO VENUE

25  
26 SUPERSEDING INDICTMENT

27 The Grand Jury charges:

28 COUNT ONE: (21 U.S.C. § 846 – Conspiracy to Manufacture and to Possess With the Intent to Distribute Marijuana)

Beginning on a date unknown to the Grand Jury, but no later than November 6, 2008, and continuing at least to and including November 8, 2012, in the Northern District of California, the defendant,

MATTHEW DAVID GRAVES,

1 and others known and unknown to the Grand Jury, did knowingly and intentionally conspire to  
2 manufacture and to possess with the intent to distribute a controlled substance, to wit, 100 or more  
3 marijuana plants, in violation of Title 21, United States Code, Sections 846, 841(a)(1) and (b)(1)(B)(vii).

4  
5 COUNT TWO: (21 U.S.C. § 841(a)(1) – Manufacture and Possession With Intent to Distribute  
6 Marijuana)

7 On or about August 19, 2009, in the Northern District of California, the defendant,

8 MATTHEW DAVID GRAVES,

9 did knowingly and intentionally manufacture and possess with the intent to distribute a controlled  
10 substance, to wit, 100 or more marijuana plants, in violation of Title 21, United States Code, Sections  
11 841(a)(1) and (b)(1)(B)(vii).

12  
13 COUNT THREE: (21 U.S.C. § 841(a)(1) – Manufacture and Possession With Intent to Distribute  
14 Marijuana)

15 On or about September 21, 2011, in the Northern District of California, the defendant,

16 MATTHEW DAVID GRAVES,

17 did knowingly and intentionally manufacture and possess with the intent to distribute a controlled  
18 substance, to wit, 100 or more marijuana plants, in violation of Title 21, United States Code, Sections  
19 841(a)(1) and (b)(1)(B)(vii).

20  
21 COUNT FOUR: (21 U.S.C. § 841(a)(1) – Manufacture and Possession With Intent to Distribute  
22 Marijuana)

23 On or about November 8, 2012, in the Northern District of California, the defendant,

24 MATTHEW DAVID GRAVES,

25 did knowingly and intentionally manufacture and possess with the intent to distribute a controlled  
26 substance, to wit, 100 or more marijuana plants, in violation of Title 21, United States Code, Sections  
27 841(a)(1) and (b)(1)(B)(vii).

1 COUNT FIVE: (18 U.S.C. § 1956(a)(1)(B)(i) – Money Laundering)

2 On or about December 4, 2009, in the Northern District of California, the defendant,  
3 MATTHEW DAVID GRAVES,  
4 did knowingly conduct a financial transaction affecting interstate and foreign commerce, to wit, the  
5 deposit of \$27,680 in U.S. Currency into the bank account of Matt Graves Construction, Umpqua Bank,  
6 account number XXXXX778, which involved the proceeds of a specified unlawful activity, that is,  
7 knowingly and intentionally manufacturing and possessing with intent to distribute marijuana, in  
8 violation of Title 21, United States Code, Section 841(a)(1), knowing that the transaction was designed  
9 in whole and in part to conceal and disguise the nature, the location, the source, the ownership, and the  
10 control of the proceeds of that specified unlawful activity. All in violation of Title 18, United States  
11 Code, Section 1956(a)(1)(B)(i).

12  
13 COUNT SIX: (18 U.S.C. § 1956(a)(1)(B)(i) – Money Laundering)

14 On or about December 8, 2009, in the Northern District of California, the defendant,  
15 MATTHEW DAVID GRAVES,  
16 did knowingly conduct a financial transaction affecting interstate and foreign commerce, to wit, the  
17 deposit of \$19,000 in U.S. Currency into the bank account of Matt Graves Construction, Umpqua Bank,  
18 account number XXXXX778, which involved the proceeds of a specified unlawful activity, that is,  
19 knowingly and intentionally manufacturing and possessing with intent to distribute marijuana, in  
20 violation of Title 21, United States Code, Section 841(a)(1), knowing that the transaction was designed  
21 in whole and in part to conceal and disguise the nature, the location, the source, the ownership, and the  
22 control of the proceeds of that specified unlawful activity. All in violation of Title 18, United States  
23 Code, Section 1956(a)(1)(B)(i).

24  
25 COUNT SEVEN: (18 U.S.C. § 1956(a)(1)(B)(i) – Money Laundering)

26 On or about December 22, 2009, in the Northern District of California, the defendant,  
27 MATTHEW DAVID GRAVES,  
28 did knowingly conduct a financial transaction affecting interstate and foreign commerce, to wit, the

1 deposit of \$11,000 in U.S. Currency into the bank account of Matt Graves Construction, Umpqua Bank,  
2 account number XXXXX778, which involved the proceeds of a specified unlawful activity, that is,  
3 knowingly and intentionally manufacturing and possessing with intent to distribute marijuana, in  
4 violation of Title 21, United States Code, Section 841(a)(1), knowing that the transaction was designed  
5 in whole and in part to conceal and disguise the nature, the location, the source, the ownership, and the  
6 control of the proceeds of that specified unlawful activity. All in violation of Title 18, United States  
7 Code, Section 1956(a)(1)(B)(i).

8  
9 COUNT EIGHT: (18 U.S.C. § 1956(a)(1)(B)(i) – Money Laundering)

10 On or about December 29, 2009, in the Northern District of California, the defendant,  
11 MATTHEW DAVID GRAVES,  
12 did knowingly conduct a financial transaction affecting interstate and foreign commerce, to wit, the  
13 deposit of \$6,900 in U.S. Currency into the bank account of Matt Graves Construction, Umpqua Bank,  
14 account number XXXXX778, which involved the proceeds of a specified unlawful activity, that is,  
15 knowingly and intentionally manufacturing and possessing with intent to distribute marijuana, in  
16 violation of Title 21, United States Code, Section 841(a)(1), knowing that the transaction was designed  
17 in whole and in part to conceal and disguise the nature, the location, the source, the ownership, and the  
18 control of the proceeds of that specified unlawful activity. All in violation of Title 18, United States  
19 Code, Section 1956(a)(1)(B)(i).

20  
21 COUNT NINE: (18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm)

22 On or about November 8, 2012, in the Northern District of California, the defendant,  
23 MATTHEW DAVID GRAVES,  
24 having previously been convicted of a crime punishable by a term of imprisonment exceeding one year,  
25 did knowingly possess a firearm, to wit: a DPMS Model LR-308, serial number 82021, in and affecting  
26 interstate commerce, in violation of Title 18, United States Code, Section 922 (g)(1).

1 DRUG FORFEITURE ALLEGATION: (21 U.S.C. § 853 – Drug Forfeiture)

2 The factual allegations contained in Counts One through Four of this Superseding Indictment are  
3 re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture pursuant  
4 to the provisions of 21 U.S.C. §§ 853(a)(1) and (2).

5 Upon a conviction of any or all of the offenses alleged in Counts One through Four, the  
6 defendant,

7 MATTHEW DAVID GRAVES,

8 shall forfeit to the United States all right, title, and interest in any property constituting and derived from  
9 any proceeds defendant obtained, directly or indirectly, as a result of said violations, and any property  
10 used, or intended to be used, in any manner or part, to commit or to facilitate the commission of said  
11 violations, including, but not limited to:

- 12 a. Real Property and Improvements located at Mendocino County Assessor's Parcel  
13 Number 012-690-48, Leggett, California;
- 14 b. Real Property and Improvements located at Mendocino County Assessor's Parcel  
15 Number 012-690-50, Leggett, California;
- 16 c. Real Property and Improvements located at Mendocino County Assessor's Parcel  
17 Number 012-670-49, Leggett, California;
- 18 d. Real Property and Improvements located at Mendocino County Assessor's Parcel  
19 Number 012-670-48, Leggett, California, and
- 20 e. One (1) 2008 Toyota Tundra, (VIN # 5TFDV58108X050994).

21 If, as a result of any act or omission of the defendant, any of said property

- 22 a. cannot be located upon the exercise of due diligence;
- 23 b. has been transferred or sold to or deposited with, a third person;
- 24 c. has been placed beyond the jurisdiction of the Court;
- 25 d. has been substantially diminished in value; or
- 26 e. has been commingled with other property which cannot be divided without difficulty;

27 any and all interest defendant has in any other property (not to exceed the value of the above forfeitable  
28 property) shall be vested in the United States and forfeited to the United States.

1 All in violation of Title 21, United States Code, Section 853(a)(1), (a)(2), (p) and Rule 32.2 of  
2 the Federal Rules of Criminal Procedure.

3  
4 DATED: September 19, 2013

A TRUE BILL.

5 Nancy J. Peterson  
6 FOREPERSON

7 MELINDA HAAG  
8 United States Attorney

9 J. Douglas Wilson (Korrey  
10 J. DOUGLAS WILSON with permission)  
Chief, Criminal Division

11  
12 (Approved as to form: Kevin Barry)  
13 KEVIN J. BARRY  
Assistant United States Attorney