

PUBLIC INFORMATION RELEASE

UNITED STATES OF AMERICA

v.

Criminal No.

MARLON DEWAYNE DIXON, A/K/A
"ICE"

An indictment was returned today by the Grand Jury for the United States District Court for the Southern District of West Virginia meeting at Charleston charging the above defendant with violation of federal law in connection with Three counts of distribution of heroin; witness tampering and witness retaliation by killing; murder with firearm during crime of violence; and felon in possession of firearm

Pertinent information concerning the defendant is set forth below:

DEFENDANT'S NAME: Marlon Dewayne Dixon

AGE: 38

ADDRESS: CITY: Charleston

STATE: WV

MARRIED: EMPLOYER (If known):

INVESTIGATING AGENCY: Charleston Police Dept.

CHARGES: 21:841(a)(1); 18:1512(a)(1)(C); 18:1512(a)(3)(A); 18:1513(a)(1)(B);
18:1513(a)(2)(A); 18:924(c)(1)(A); 18:924(j)(1); 18:922(g)(1); 18:924(a)
(2)

POSSIBLE PENALTY: 25 years to life prison with potential for death penalty

R. BOOTH GOODWIN II
UNITED STATES ATTORNEY
SOUTHERN DISTRICT OF WEST VIRGINIA

PLEASE NOTE: The Fifth Amendment and applicable Federal law gives a criminal defendant a personal right of Indictment by grand jury for Federal crimes punishable by more than one year imprisonment. An Indictment is a formal, written accusation by a grand jury. An Indictment is not proof of guilt, and the defendant is presumed innocent until and unless the defendant is found guilty.

FILED

OCT 28 2014

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON GRAND JURY 2013-2
OCTOBER 28, 2014 SESSION

TERESA L. DEPPNER, CLERK
U.S. District Court
Southern District of West Virginia

UNITED STATES OF AMERICA

v.

CRIMINAL NO.

2:14-cr-002310

MARLON DEWAYNE DIXON,
Also known as "ICE"

21 U.S.C. § 841(a)(1)
18 U.S.C. § 1512(a)(1)(C)
18 U.S.C. § 1512(a)(3)(A)
18 U.S.C. § 1513(a)(1)(B)
18 U.S.C. § 1513(a)(2)(A)
18 U.S.C. § 924(c)(1)(A)
18 U.S.C. § 924(j)(1)
18 U.S.C. § 922(g)(1)
18 U.S.C. § 924(a)(2)

I N D I C T M E N T

The Grand Jury Charges:

COUNT ONE
(Distribution of Heroin)

On or about May 8, 2014, at or near Charleston, Kanawha County, West Virginia, and within the Southern District of West Virginia, defendant MARLON DEWAYNE DIXON, also known as "ICE," knowingly and intentionally distributed a quantity of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT TWO
(Distribution of Heroin)

On or about May 16, 2014, at or near Charleston, Kanawha County, West Virginia, and within the Southern District of West Virginia, defendant MARLON DEWAYNE DIXON, also known as "ICE," knowingly and intentionally distributed a quantity of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT THREE
(Distribution of Heroin)

On or about May 20, 2014, at or near Charleston, Kanawha County, West Virginia, and within the Southern District of West Virginia, defendant MARLON DEWAYNE DIXON, also known as "ICE," knowingly and intentionally distributed a quantity of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT FOUR
(Witness Tampering by Killing)

On or about July 12, 2014, at or near Charleston, Kanawha County, West Virginia, and within the Southern District of West Virginia, defendant MARLON DEWAYNE DIXON, also known as "ICE" with malice aforethought, did unlawfully, willfully, deliberately, maliciously, and with premeditation kill Branda Mae Delight Basham with the intent to prevent the communication by Ms. Basham to a law enforcement officer and judge of the United States of information relating to the commission and possible commission of a Federal offense.

In violation of Title 18, United States Code, Sections 1512(a)(1)(C) and 1512(a)(3)(A).

COUNT FIVE
(Witness Retaliation by Killing)

On or about July 12, 2014, at or near Charleston, Kanawha County, West Virginia, and within the Southern District of West Virginia, defendant MARLON DEWAYNE DIXON, also known as "ICE," with malice aforethought, did unlawfully, willfully, deliberately, maliciously, and with premeditation kill Branda Mae Delight Basham with the intent to retaliate against Ms. Basham for providing to a law enforcement officer any information relating to the commission and possible commission of a Federal offense.

In violation of Title 18, United States Code, Sections 1513(a)(1)(B) and 1513(a)(2)(A).

COUNT SIX
(Murder with Firearm During and in Relation to a Crime of
Violence)

On or about July 12, 2014, at or near Charleston, Kanawha County, West Virginia, and within the Southern District of West Virginia, defendant MARLON DEWAYNE DIXON, also known as "ICE" did knowingly use and carry a firearm during and in relation to crimes of violence for which the defendant may be prosecuted in a Court of the United States, namely, witness tampering and witness retaliation by killing in violation of 18 U.S.C. §§ 1512(a)(1)(C) and 1513(a)(1)(B), and in the course of this violation caused the death of Branda Mae Delight Basham through the use of a firearm. Defendant's killing of Branda Mae Delight Basham was a murder as defined in 18 U.S.C. § 1111, in that defendant MARLON DEWAYNE DIXON, also known as "ICE," with malice aforethought, did unlawfully, willfully, deliberately, maliciously, and with premeditation kill Branda Mae Delight Basham.

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

COUNT SEVEN
(Felon in Possession of a Firearm)

1. On or about July 12, 2014, at or near Charleston, Kanawha County, West Virginia, and within the Southern District of West Virginia, defendant MARLON DEWAYNE DIXON, also known as "ICE," did knowingly possess a loaded firearm, that is, a 9mm semi-automatic pistol, in and affecting interstate commerce.

2. At the time defendant MARLON DEWAYNE DIXON, also known as "ICE," possessed the aforesaid loaded firearm, he had been convicted of the following crimes, each of which was punishable by a term of imprisonment exceeding one year, as defined in 18 U.S.C. § 921(a)(20):

- a. Convicted on or about July 19, 1999, in the United States District Court for the Southern District of West Virginia, of possession with intent to distribute cocaine base in violation of 21 U.S.C. § 841(a)(1);
- b. Convicted on or about December 13, 2006, in the United States District Court for the Southern District of West Virginia, of possession with intent to distribute cocaine in violation of 21 U.S.C. § 841(a)(1);
- c. Convicted on or about March 23, 2007, in the Circuit Court of Kanawha County, West Virginia, of malicious wounding in violation of West Virginia Code § 61-2-9.

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

NOTICE OF SPECIAL FINDINGS

The allegations of Counts Four, Five and Six of this Indictment are hereby re-alleged and incorporated by reference as if fully set forth herein.

As to Counts Four, Five and Six, MARLON DEWAYNE DIXON, also known as "ICE":

1. Was more than 18 years of age at the time of the offense (18 U.S.C. § 3591(a));

2. Intentionally killed the victim (18 U.S.C. § 3591(a)(2)(A));

3. Intentionally inflicted serious bodily injury that resulted in the death of the victim (18 U.S.C. § 3591(a)(2)(B));

4. Intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim died as a direct result of the act (18 U.S.C. 3591(a)(2)(C));

5. Intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and the victim died as a direct result of the act (18 U.S.C. § 3591(a)(2)(D));

6. Committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim (18 U.S.C. § 3592(c)(6));

7. Committed the offense after substantial planning and premeditation to cause the death of a person (18 U.S.C. § 3592(c)(9));

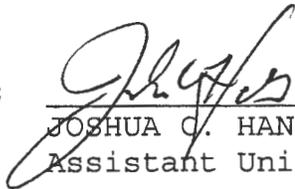
8. Had previously been convicted of two or more State or Federal offenses punishable by a term of imprisonment of more than one year, committed on different occasions, involving the distribution of a controlled substance (18 U.S.C. § 3592(c)(10)); and

9. Had previously been convicted of violating title II or III of the Comprehensive Drug Abuse Prevention and Control Act of 1979 for which a sentence of 5 or more years may be imposed (18 U.S.C. § 3592(c)(12)).

All pursuant to Title 18, United States Code, Sections 3591 and 3592.

R. BOOTH GOODWIN II
United States Attorney

By: _____


JOSHUA C. HANKS

Assistant United States Attorney