

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

FILED  
4/5/2017  
CLERK U.S. DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE, FLORIDA

UNITED STATES OF AMERICA

v.

CASE NO. 3:17-cr-57-J-39 JRK

18 U.S.C. §§ 1029(a)(4) and  
(c)(1)(A)(ii)

JOSEPH XAVIER MURPHY

INDICTMENT

The Grand Jury charges:

COUNT ONE

On or about January 28, 2017, in the Middle District of Florida, and  
elsewhere, the defendant,

JOSEPH XAVIER MURPHY,

did knowingly and with intent to defraud, traffic in, had control and custody  
over, and possessed device-making equipment, as defined in 18 U.S.C. §  
1029(e), and the offense affected interstate and foreign commerce.

In violation of 18 U.S.C. § 1029(a)(4) and (c)(1)(A)(ii).

**FORFEITURE**

1. The allegations contained in Count One are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to the provisions of 18 U.S.C. §§ 982(a)(2)(B) and 1029(c)(1)(C).

2. Upon conviction of the violation of 18 U.S.C. § 1029 charged in Count One, the defendant, JOSEPH XAVIER MURPHY, shall forfeit to the United States of America, pursuant to 18 U.S.C. § 982(a)(2)(B), any property constituting, or derived from, proceeds the person obtained directly or indirectly, as a result of such violation, and pursuant to 18 U.S.C. § 1029(c)(1)(C), any personal property used or intended to be used to commit the offense.

3. If any of the property described above, 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 or sold to, or deposited with, a third party;
- 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 divided without difficulty;

the United States of America, shall be entitled to forfeiture of substitute property under the provisions of 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. §§ 982(b)(1) and 1029(c)(2).

A TRUE BILL,

Michelle E. Smith  
Foreperson

W. STEPHEN MULDROW  
Acting United States Attorney

By: Kevin C. Frein  
KEVIN C. FREIN  
Assistant United States Attorney

By: Frank Talbot  
FRANK TALBOT  
Assistant United States Attorney  
Acting Chief, Jacksonville Division

No.

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**UNITED STATES DISTRICT COURT**  
Middle District of Florida  
Jacksonville Division

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THE UNITED STATES OF AMERICA

vs.

JOSEPH XAVIER MURPHY

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**INDICTMENT**

Violations: 18 U.S.C. §§ 1029(a)(4) and 1029(c)(1)(A)(ii)

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A true bill,

Michelle E. Smith  
Foreperson

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Filed in open court this 5<sup>th</sup> day

of April, 2017.

Meghan O'Leary  
Clerk

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

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