

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
PANAMA CITY DIVISION**

**UNITED STATES OF AMERICA**

v.

**SUPERSEDING  
INDICTMENT  
5:16cr21/RH**

**THOMAS ZACHARY BREEDING  
BENJAMIN BAILEY McGRAW  
JEREMY PATRICK HUBBARD  
RICHARD KENNETH HELMS JR.  
and  
JESSICA RENEE ASHBAKER**

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**THE GRAND JURY CHARGES:**

**COUNT ONE**

Between on or about January 1, 2016, and on or about July 8, 2016, in the Northern District of Florida and elsewhere, the defendants,

**THOMAS ZACHARY BREEDING,  
BENJAMIN BAILEY McGRAW,  
JEREMY PATRICK HUBBARD,  
RICHARD KENNETH HELMS JR.,  
and  
JESSICA RENEE ASHBAKER,**

did knowingly and willfully combine, conspire, confederate, and agree together and with other persons to distribute and possess with intent to distribute a controlled substance, and this offense involved 5 kilograms or more of a mixture

Returned in open court pursuant to Rule 6(f)
9-20-16
Date
<i>Vergil H. Smith</i>
United States Magistrate Judge

and substance containing a detectable amount of cocaine, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A)(ii).

All in violation of Title 21, United States Code, Section 846.

**COUNT TWO**

On or about June 25, 2016, in the Northern District of Florida, the defendant,

**THOMAS ZACHARY BREEDING,**

having previously been convicted of a crime punishable by a term of imprisonment exceeding one year, did knowingly possess a firearm and ammunition in and affecting interstate and foreign commerce, that is:

1. a. On or about July 19, 2007, **THOMAS ZACHARY BREEDING** was convicted in the State of Florida of Possession of More Than 20 Grams of Marijuana;
- b. On or about February 21, 2008, **THOMAS ZACHARY BREEDING** was convicted in the State of Florida of Grand Theft and Fraudulent use of a Credit Card; and
- c. On or about January 8, 2014, **THOMAS ZACHARY BREEDING** was convicted in the United States District Court for the Northern District of Florida of Obstruction of Justice and False Statements.

2. For each of these crimes, **THOMAS ZACHARY BREEDING** was subject to punishment by a term of imprisonment exceeding one year.

3. Thereafter, **THOMAS ZACHARY BREEDING** did knowingly possess a firearm, to wit, a Glock .45 caliber pistol, and ammunition, namely, Remington .45 caliber.

4. This firearm and ammunition had previously been transported in interstate and foreign commerce.

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

### **COUNT THREE**

On or about June 29, 2016, in the Northern District of Florida, the defendant,

**JEREMY PATRICK HUBBARD,**

in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, conspiracy to distribute and to possess with intent to distribute a controlled substance, as charged in Count One of this Indictment, did knowingly possess a firearm, namely, an HS Products .40 caliber pistol.

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

**COUNT FOUR**

On or about June 29, 2016, in the Northern District of Florida, the defendant,

**JEREMY PATRICK HUBBARD,**

having previously been convicted of a crime punishable by a term of imprisonment exceeding one year, did knowingly possess a firearm and ammunition in and affecting interstate and foreign commerce, that is:

1. a. On or about April 12, 2006, **JEREMY PATRICK HUBBARD** was convicted in the United States District Court for the Northern District of Florida of Conspiracy to Possess with Intent to Distribute More Than 5 Grams of Methamphetamine (actual) and More Than 50 Grams of a Mixture and Substance Containing Methamphetamine;
- b. On or about August 9, 2006, **JEREMY PATRICK HUBBARD** was convicted in the State of Florida of Possession of a Controlled Substance;
- c. On or about April 22, 2014, **JEREMY PATRICK HUBBARD** was convicted in the State of Florida of Possession of Methamphetamine with Intent to Distribute; and
- d. On or about April 22, 2014, **JEREMY PATRICK HUBBARD** was convicted in the State of Florida of

Constructive Possession of a Firearm or Ammunition by a  
Convicted Felon.

2. For each of these crimes, **JEREMY PATRICK HUBBARD** was subject to punishment by a term of imprisonment exceeding one year.

3. Thereafter, **JEREMY PATRICK HUBBARD** did knowingly possess a firearm, to wit, an HS Products .40 caliber pistol, and ammunition, namely, Hornady .40 caliber.

4. This firearm and ammunition had previously been transported in interstate and foreign commerce.

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

**COUNT FIVE**

On or about June 29, 2016, in the Northern District of Florida, the defendant,

**BENJAMIN BAILEY McGRAW,**

did knowingly and intentionally possess with intent to distribute a controlled substance, and this offense involved alprazolam.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(2).

**COUNT SIX**

On or about June 29, 2016, in the Northern District of Florida, the defendant,

**BENJAMIN BAILEY McGRAW,**

in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, conspiracy to distribute and to possess with intent to distribute a controlled substance, as charged in Count One of this Indictment, did knowingly possess a firearm, namely, a Heckler and Koch .40 caliber pistol.

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

**COUNT SEVEN**

On or about July 8, 2016, in the Northern District of Florida, the defendants,

**RICHARD KENNETH HELMS JR.**  
**and**  
**JESSICA RENEE ASHBAKER,**

did knowingly and intentionally possess with intent to distribute a controlled substance, and this offense involved 500 grams or more of a mixture and substance containing a detectable amount of cocaine.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(ii).

**CONTROLLED SUBSTANCE FORFEITURE**

The allegations contained in Counts One, Five, and Seven of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture, pursuant to the provisions of Title 21, United States Code, Section 853.

From their engagement in the violations charged in Counts One, Five, and Seven of this Indictment, punishable by imprisonment for more than one year, the defendants,

**THOMAS ZACHARY BREEDING,  
BENJAMIN BAILEY McGRAW,  
JEREMY PATRICK HUBBARD,  
RICHARD KENNETH HELMS JR.,  
and  
JESSICA RENEE ASHBAKER,**

shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, all of their interest in:

A. Property constituting and derived from any proceeds the defendants obtained, directly or indirectly, as the result of such violations.

B. Property used and intended to be used in any manner or part to commit and to facilitate the commission of such violations.

If any of the property described above as being subject to forfeiture, as a result of acts or omissions of the defendants:

- i. cannot be located upon the exercise of due diligence;
- ii. has been transferred, sold to, or deposited with a third party;
- iii. has been placed beyond the jurisdiction of this Court;
- iv. has been substantially diminished in value; or
- v. has been commingled with other property that cannot be subdivided without difficulty,

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants, up to the value of the above forfeitable property.

#### **FIREARM FORFEITURE**

The allegations contained in Count Two of this Indictment are hereby realleged and incorporated by reference. Because the defendant,

#### **THOMAS ZACHARY BREEDING,**

knowingly committed the violation set forth in Count Two of this Indictment, any and all interest that this defendant has in the firearm and ammunition involved in this violation is vested in the United States and hereby forfeited to the United States pursuant to Title 18, United States Code, Section 924(d)(1).



**FIREARM FORFEITURE**

The allegations contained in Counts Three and Four of this Indictment are hereby realleged and incorporated by reference. Because the defendant,

**JEREMY PATRICK HUBBARD,**

knowingly committed the violations set forth in Counts Three and Four of this Indictment, any and all interest that this defendant has in the firearm and ammunition involved in this violation is vested in the United States and hereby forfeited to the United States pursuant to Title 18, United States Code, Section 924(d)(1).

**FIREARM FORFEITURE**

The allegations contained in Count Six of this Indictment are hereby realleged and incorporated by reference. Because the defendant,

**BENJAMIN BAILEY MCGRAW,**

knowingly committed the violation set forth in Count Six of this Indictment, any and all interest that this defendant has in the firearm and ammunition involved in


this violation is vested in the United States and hereby forfeited to the United States pursuant to Title 18, United States Code, Section 924(d)(1).

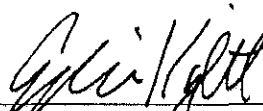
A TRUE BILL:

**REDACTED**  
FOREPERSON

20 SEP 2016

DATE

  
CHRISTOPHER P. CANOVA  
United States Attorney

  
EDWIN KNIGHT  
Assistant United States Attorney