

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION

UNITED STATES OF AMERICA     ) No. 19 CR 50016  
  ) Violations: Title 18, United States Code,  
  ) Sections 111(a)(1) & (b), 1111, 1113,  
  ) 1114(1) & (3), 922(g)(1), 922(k),  
  ) 924(c)(1)(A)(i) & (iii), and 924(j)(1)  
  ) **SUPERSEDING INDICTMENT**

  ) vs.

FLOYD E. BROWN

**COUNT ONE**

The SEPTEMBER 2019 GRAND JURY charges:

1. At times material to this Superseding Indictment:
  - a. The United States Marshals Service was an agency of the United States Government.
  - b. Special Deputy United States Marshal Jacob Keltner was an officer of the United States Marshals Service.
  - c. Deputy United States Marshal M.S. was an officer and employee of the United States Marshals Service.
  - d. Special Deputy United States Marshal D.K. was an officer of the United States Marshals Service.
  - e. Special Deputy United States Marshal M.F. was an officer of the United States Marshals Service.

2. On or about March 7, 2019, at Rockford, in the Northern District of Illinois, Western Division,

FLOYD E. BROWN,

defendant herein, with malice aforethought, did unlawfully, willfully, deliberately, maliciously, and with premeditation kill Special Deputy United States Marshal Jacob Keltner, while such officer was engaged in and on account of the performance of such officer's official duties;

In violation of Title 18, United States Code, Sections 1114(1) and 1111.

**COUNT TWO**

The SEPTEMBER 2019 GRAND JURY further charges:

1. Paragraph 1 of Count One of this Superseding Indictment is incorporated here.

2. On or about March 7, 2019, at Rockford, in the Northern District of Illinois, Western Division,

FLOYD E. BROWN,

defendant herein, did attempt to kill unlawfully and with malice aforethought Deputy United States Marshal M.S., Special Deputy United States Marshal D.K., and Special Deputy United States Marshal M.F., while such officer and employee was engaged in and on account of the performance of such officer's and employee's official duties;

In violation of Title 18, United States Code, Sections 1114(3) and 1113.

**COUNT THREE**

The SEPTEMBER 2019 GRAND JURY further charges:

1. Paragraph 1 of Count One of this Superseding Indictment is incorporated here.

2. On or about March 7, 2019, at Rockford, in the Northern District of Illinois, Western Division,

FLOYD E. BROWN,

defendant herein, did intentionally and forcibly assault, resist, oppose, impede, intimidate, and interfere with Special Deputy United States Marshal Jacob Keltner, while such officer was engaged in and on account of the performance of such officer's official duties, and such acts of defendant did involve physical contact with Special Deputy United States Marshal Jacob Keltner; and in committing such offense, FLOYD E. BROWN, defendant herein, intentionally did use a deadly and dangerous weapon, namely a firearm, and intentionally did inflict bodily injury upon Special Deputy United States Marshal Jacob Keltner;

In violation of Title 18, United States Code, Sections 111(a)(1) and (b).

## COUNT FOUR

The SEPTEMBER 2019 GRAND JURY further charges:

1. Paragraph 1 of Count One of this Superseding Indictment is incorporated here.

2. On or about March 7, 2019, at Rockford, in the Northern District of Illinois, Western Division,

FLOYD E. BROWN,

defendant herein, did intentionally and forcibly assault, resist, oppose, impede, intimidate, and interfere with Deputy United States Marshal M.S., Special Deputy United States Marshal D.K., and Special Deputy United States Marshal M.F., while such officer and employee was engaged in and on account of the performance of such officer's or employee's official duties; and in committing such offense, FLOYD E. BROWN, defendant herein, intentionally did use a deadly and dangerous weapon, namely a firearm;

In violation of Title 18, United States Code, Sections 111(a)(1) and (b).

**COUNT FIVE**

The SEPTEMBER 2019 GRAND JURY further charges:

On or about March 7, 2019, at Rockford, in the Northern District of Illinois, Western Division, and elsewhere,

FLOYD E. BROWN,

defendant herein, knowing that he previously had been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess, in and affecting interstate and foreign commerce, a firearm, namely:

a loaded Smith & Wesson, model 5906, 9mm pistol, serial number obliterated;

a loaded Smith & Wesson, model 5906, 9mm pistol, serial number obliterated;

a loaded Ruger, model Mini-14, .223 caliber rifle, serial number obliterated; and

a loaded ROMARM, model WASR-10, 7.62x39mm rifle, serial number obliterated;

which firearm previously had traveled in interstate and foreign commerce;

In violation of Title 18, United States Code, Section 922(g)(1).

**COUNT SIX**

The SEPTEMBER 2019 GRAND JURY further charges:

On or about March 7, 2019, at Rockford, in the Northern District of Illinois, Western Division, and elsewhere,

FLOYD E. BROWN,

defendant herein, did knowingly possess a firearm, from which defendant knew the importer's and manufacturer's serial number had been removed, altered, and obliterated, namely:

a loaded Smith & Wesson, model 5906, 9mm pistol;

a loaded Smith & Wesson, model 5906, 9mm pistol;

a loaded Ruger, model Mini-14, .223 caliber rifle; and

a loaded ROMARM, model WASR-10, 7.62x39mm rifle;

which firearm had been shipped and transported in interstate and foreign commerce;

In violation of Title 18, United States Code, Section 922(k).

## COUNT SEVEN

The SEPTEMBER 2019 GRAND JURY further charges:

1. Paragraph 1 of Count One of this Superseding Indictment is incorporated here.

2. On or about March 7, 2019, at Rockford, in the Northern District of Illinois, Western Division,

FLOYD E. BROWN,

defendant herein, did knowingly use, carry, and discharge a firearm, namely a loaded ROMARM, model WASR-10, 7.62x39mm rifle, during and in relation to a crime of violence for which defendant may be prosecuted in a court of the United States, namely forcible assault of an officer of the United States Marshals Service using a deadly and dangerous weapon and inflicting bodily injury, in violation of Title 18, United States Code, Sections 111(a)(1) and (b), as charged in Count Three of this Superseding Indictment; and in the course of committing such offense, in violation of Title 18, United States Code, Section 924(c), FLOYD E. BROWN, defendant herein, did cause the death of Special Deputy United States Marshal Jacob Keltner through the use of such firearm, which killing was murder as defined in Title 18, United States Code, Section 1111(a);

In violation of Title 18, United States Code, Section 924(j)(1).



## COUNT EIGHT

The SEPTEMBER 2019 GRAND JURY further charges:

1. Paragraph 1 of Count One of this Superseding Indictment is incorporated here.

2. On or about March 7, 2019, at Rockford, in the Northern District of Illinois, Western Division,

FLOYD E. BROWN,

defendant herein, did knowingly use, carry, and discharge a firearm, namely a loaded ROMARM, model WASR-10, 7.62x39mm rifle, during and in relation to a crime of violence for which defendant may be prosecuted in a court of the United States, namely: (i) attempted killing of an officer and employee of the United States Marshals Service, in violation of Title 18, United States Code, Sections 1114(3) and 1113, as charged in Count Two of this Superseding Indictment; and (ii) forcible assault of an officer and employee of the United States Marshals Service using a deadly and dangerous weapon, in violation of Title 18, United States Code, Sections 111(a)(1) and (b), as charged in Count Four of this Superseding Indictment

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

## NOTICE OF SPECIAL FINDINGS

1. The SEPTEMBER 2019 GRAND JURY repeats and realleges the allegations of Count One and Count Seven of this Superseding Indictment.

2. As to Count One and Count Seven, FLOYD E. BROWN, defendant herein:

a. was 18 years of age or older at the time of the offense;

b. intentionally killed Jacob Keltner (18 U.S.C. § 3591(a)(2)(A));

c. intentionally inflicted serious bodily injury that resulted in the death of Jacob Keltner (18 U.S.C. § 3591(a)(2)(B));

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

e. 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 Jacob Keltner died as a direct result of the act (18 U.S.C. § 3591(a)(2)(D));

f. in the commission of the offense, knowingly created a grave risk of death to one or more persons in addition to Jacob Keltner (18 U.S.C. § 3592(c)(5));

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

h. committed the offense against a Federal public servant who was a law enforcement officer while such officer was engaged in the performance of his official duties and because of such officer's performance of his official duties (18 U.S.C. § 3592(c)(14)(D)(i)-(ii)); and

i. intentionally killed and attempted to kill more than one person in a single criminal episode (18 U.S.C. § 3592(c)(16)).

## FORFEITURE ALLEGATION

The SEPTEMBER 2019 GRAND JURY further alleges:

1. Upon conviction of an offense in violation of Title 18, United States Code, Sections 922(g)(1), 922(k), 924(c)(1)(A), 924(j)(1), 111(b), or 1111, as set forth in this Superseding Indictment, defendant shall forfeit to the United States of America, any firearm and ammunition:

a. involved in and used in any offense of conviction, as provided in Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c).

b. found in the possession and under the immediate control of the defendant at the time of arrest, upon conviction of any offense for committing and attempting to commit any felony involving the use of threats, force, and violence, and perpetrated in whole or in part by the use of firearms, as provided in Title 18, United States Code, Section 3665.

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2. The property to be forfeited includes, but is not limited to: (a) a loaded Smith & Wesson, model 5906, 9mm pistol, serial number obliterated, and associated ammunition; (b) a loaded Smith & Wesson, model 5906, 9mm pistol, serial number obliterated, and associated ammunition; (c) a loaded Ruger, model Mini-14, .223 caliber rifle, serial number obliterated, and associated ammunition; (d) a loaded ROMARM, model WASR-10, 7.62x39mm rifle, serial number obliterated, and associated ammunition; (e) approximately 142 additional rounds of .223 caliber ammunition; (f) approximately 383 additional rounds of 7.62x39mm ammunition; (g) approximately 537 additional rounds of 9mm ammunition; and (h) approximately 88 additional rifle cartridges.

A TRUE BILL:

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FOREPERSON

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UNITED STATES ATTORNEY