

IN THE UNITED STATES DISTRICT COURT

JAN 09 2024

FOR THE DISTRICT OF NEW MEXICO

MITCHELL R. ELFERS
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**JAMES ADAM METTS and
DEMETRIUS ANTONNIE BAILEY,**

Defendants.

CRIMINAL NO. 24-0039 KWR

Counts 1-8: 18 U.S.C. § 1951:

Interference with Commerce by Robbery;

18 U.S.C. § 2: Aiding and Abetting;

Count 9: 18 U.S.C. § 924(c)(1)(A)(ii):

Using, Carrying, and Brandishing a

Firearm During and in Relation to a Crime

of Violence, and Possessing and

Brandishing a Firearm in Furtherance of

Such Crime; 18 U.S.C. § 2: Aiding and

Abetting;

Counts 10-11: 18 U.S.C. §§ 922(g)(1) and

924: Felon in Possession of a Firearm and

Ammunition.

INDICTMENT

The Grand Jury charges:

Count 1

On or about July 11, 2023, in Bernalillo County, in the District of New Mexico, the defendants, **JAMES ADAM METTS ("METTS")** and **DEMETRIUS ANTONNIE BAILEY**, unlawfully obstructed, delayed, and affected commerce, and the movement of articles and commodities in such commerce, by robbery, in that the defendants unlawfully took and obtained personal property consisting of tools, in the presence of John Doe 1, then employed by Brosnan Security at Harbor Freight Tools, against John Doe 1's will by means of actual and threatened force, violence, and fear of injury, that is, the defendants took tools from Harbor

Freight Tools, and **METTS** pointed a firearm at John Doe 1 while the defendants left with the tools.

In violation of 18 U.S.C. §§ 1951 and 2.

Count 2

On or about August 26, 2023, in Bernalillo County, in the District of New Mexico, the defendant, **JAMES ADAM METTS**, unlawfully obstructed, delayed, and affected commerce, and the movement of articles and commodities in such commerce, by robbery, in that the defendant unlawfully took and obtained personal property consisting of U.S. currency, cellular phones, and electronic devices, in the presence of Jane Doe 1 and Jane Doe 2, then employed by Metro by T-Mobile, against Jane Doe 1 and Jane Doe 2's will by means of actual and threatened force, violence, and fear of injury, that is, the defendant pointed a firearm at Jane Doe 1 and Jane Doe 2 and demanded cash and merchandise from the business.

In violation of 18 U.S.C. §§ 1951 and 2.

Count 3

On or about September 1, 2023, in Bernalillo County, in the District of New Mexico, the defendant, **JAMES ADAM METTS**, unlawfully obstructed, delayed, and affected commerce, and the movement of articles and commodities in such commerce, by robbery, in that the defendant unlawfully took and obtained personal property consisting of cellular phones, from the person and in the presence of Jane Doe 3 and John Doe 2, then employed by T-Mobile, against Jane Doe 3 and John Doe 2's will by means of actual and threatened force, violence, and fear of injury, that is, the defendant pointed a firearm at Jane Doe 3 and John Doe 2 and demanded cash and merchandise from the business.

In violation of 18 U.S.C. §§ 1951 and 2.

Count 4

On or about September 9, 2023, in Bernalillo County, in the District of New Mexico, the defendant, **JAMES ADAM METTS**, unlawfully obstructed, delayed, and affected commerce, and the movement of articles and commodities in such commerce, by robbery, in that the defendant unlawfully took and obtained personal property consisting of U.S. currency, cellular phones, and electronic devices, in the presence of Jane Doe 4 and John Doe 3, then employed by Metro by T-Mobile, against Jane Doe 4 and John Doe 3's will by means of actual and threatened force, violence, and fear of injury, that is, the defendant pointed a firearm at Jane Doe 4 and John Doe 3 and demanded cash and merchandise from the business.

In violation of 18 U.S.C. §§ 1951 and 2.

Count 5

On or about September 12, 2023, in Bernalillo County, in the District of New Mexico, the defendant, **JAMES ADAM METTS**, unlawfully obstructed, delayed, and affected commerce, and the movement of articles and commodities in such commerce, by robbery, in that the defendant unlawfully took and obtained personal property consisting of U.S. currency, cellular phones, and electronic devices, in the presence of John Doe 4, then employed by Verizon, against John Doe 4's will by means of actual and threatened force, violence, and fear of injury, that is, the defendant pointed a firearm at John Doe 4 and demanded that John Doe 4 open the safe of the business so the defendant could take cash and merchandise from the business.

In violation of 18 U.S.C. §§ 1951 and 2.

Count 6

On or about September 14, 2023, in Bernalillo County, in the District of New Mexico, the defendant, **JAMES ADAM METTS**, unlawfully obstructed, delayed, and affected

commerce, and the movement of articles and commodities in such commerce, by robbery, in that the defendant unlawfully took and obtained personal property consisting of U.S. currency, in the presence of John Doe 5, then employed by T-Mobile, against John Doe 5's will by means of actual and threatened force, violence, and fear of injury, that is, the defendant pointed a firearm at John Doe 5 and demanded money from the cash register of the business.

In violation of 18 U.S.C. §§ 1951 and 2.

Count 7

On or about September 16, 2023, in Bernalillo County, in the District of New Mexico, the defendant, **JAMES ADAM METTS**, unlawfully obstructed, delayed, and affected commerce, and the movement of articles and commodities in such commerce, by robbery, in that the defendant unlawfully took and obtained personal property consisting of clothing, in the presence of Jane Doe 5, then employed by JC Penney, against Jane Doe 5's will by means of actual and threatened force, violence, and fear of injury, that is, the defendant took clothing from the business and pointed a firearm at Jane Doe 5 while leaving with the clothing.

In violation of 18 U.S.C. §§ 1951 and 2.

Count 8

On or about September 16, 2023, in Bernalillo County, in the District of New Mexico, the defendant, **JAMES ADAM METTS**, unlawfully obstructed, delayed, and affected commerce, and the movement of articles and commodities in such commerce, by robbery, in that the defendant unlawfully took and obtained personal property consisting of U.S. currency, cellular phones, and electronic devices, in the presence of John Doe 6, then employed by Metro by T-Mobile, against John Doe 6's will by means of actual and threatened force, violence, and

fear of injury, that is, the defendant pointed a firearm at John Doe 6 while taking cash and merchandise from the business.

In violation of 18 U.S.C. §§ 1951 and 2.

Count 9

On or about September 16, 2023, in Bernalillo County, in the District of New Mexico, the defendant, **JAMES ADAM METTS**, knowingly used, carried, and brandished a firearm, during and in relation to a crime of violence for which the defendant may be prosecuted in a court of the United States, specifically, interference with commerce by robbery as charged in Count 8 of this indictment, and in furtherance of such crime, possessed and brandished said firearm.

In violation of 18 U.S.C. §§ 924(c)(1)(A)(ii) and 2.

Count 10

On or about September 16, 2023, in Bernalillo County, in the District of New Mexico, the defendant, **JAMES ADAM METTS**, knowing that he had been convicted of at least one crime punishable by imprisonment for a term exceeding one year, specifically:

- (1) possession of a controlled substance with intent to distribute,
- (2) false statement to obtain firearm,
- (3) receiving or transferring a stolen vehicle,
- (4) conspiracy to manufacture and traffic counterfeited securities,
- (5) aggravated assault with a deadly weapon, and
- (6) tampering with evidence,

knowingly possessed a firearm and ammunition in and affecting commerce.

In violation of 18 U.S.C. §§ 922(g)(1) and 924.

Count 11

On or about September 28, 2023, in Bernalillo County, in the District of New Mexico, the defendant, **DEMETRIUS ANTONNIE BAILEY**, knowing that he had been convicted of at least one crime punishable by imprisonment for a term exceeding one year, specifically:

- (1) possession of a controlled substance,
- (2) second degree robbery (two convictions),
- (3) theft (four convictions),
- (4) property damage,
- (5) fraudulent use of credit/debit device,
- (6) theft/stealing of any credit card or letter of credit, and
- (7) resisting/interfering with arrest for a felony,

knowingly possessed a firearm and ammunition in and affecting commerce.

In violation of 18 U.S.C. §§ 922(g)(1) and 924.

FORFEITURE ALLEGATIONS

Counts 1 through 8 of this indictment are realleged and incorporated as part of this section for the purpose of alleging forfeiture to the United States pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c).

Upon conviction of any offense in violation of 18 U.S.C. § 1951, the defendants, **JAMES ADAM METTS** and **DEMETRIUS ANTONNIE BAILEY**, shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the offenses. The property to be forfeited includes, but is not limited to, the following:

1. PERSONAL JUDGMENT

A sum of money representing property constituting or derived from proceeds traceable to the offenses set forth in Counts 1 through 8.

2. PERSONAL PROPERTY

Over 100 stolen cellular phones and other electronic devices, as charged in the offenses set forth in Counts 1 through 8.

If any of the property described above, as a result of any act or omission of the defendants:

- 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; or
- e. has been commingled with other property which cannot be divided without difficulty,

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property described above.

Upon conviction of any offense in violation of 18 U.S.C. § 924(c) or 18 U.S.C. § 922(g), the defendant, **JAMES ADAM METTS**, shall forfeit to the United States, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), any firearms and ammunition involved in the commission of the offense(s), including, but not limited to:

- a. a Hi-Point 9mm handgun, serial number P1792048, and
- b. approximately four 9mm bullets.

Upon conviction of any offense in violation of 18 U.S.C. § 922(g), the defendant, **DEMETRIUS ANTONNIE BAILEY**, shall forfeit to the United States, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), any firearms and ammunition involved in the commission of the offense(s), including, but not limited to:

- a. a Ruger 9E 9mm handgun, serial number 33778816, and
- b. approximately 16 9mm bullets.

A TRUE BILL:

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FOREPERSON OF THE GRAND JURY

Assistant United States Attorney
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