

FILED
VANESSA L. ARISTON, CLERK

APR 19 2017

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

U.S. DISTRICT COURT
WEST'N. DIST. KENTUCKY

UNITED STATES OF AMERICA

SUPERSEDING INDICTMENT

v.

NO. 3:17CR-32-DJH

ERIC BENNETT
MARCUS BENNETT
JULIYAH YOUNG

18 U.S.C. § 2
18 U.S.C. § 1117
18 U.S.C. § 1114(3)
18 U.S.C. § 111(a)(1)
18 U.S.C. § 922(g)(1)
18 U.S.C. § 924(a)(2)
18 U.S.C. § 924(c)(1)(A)(i)
18 U.S.C. § 924(c)(1)(A)(iii)
18 U.S.C. § 924(d)
21 U.S.C. § 841(b)(1)(A)
21 U.S.C. § 846
21 U.S.C. § 853
28 U.S.C. § 2461

The Grand Jury charges:

COUNT 1

(Conspiracy to Distribute Heroin and Marijuana)

Beginning in or about June, 2015, and continuing to on or about April 19, 2017, in the Western District of Kentucky, Jefferson County, Kentucky, the defendants, **ERIC BENNETT**, **MARCUS BENNETT**, and **JULIYAH YOUNG**, knowingly and intentionally conspired with each other and others, to possess with the intent to distribute and to distribute one kilogram or more of a mixture and substance containing a detectable amount of heroin, and marijuana, Schedule I controlled substances, as defined by Title 21, United States Code, Section 812, in violation of Title 21, United States Code, Section 841(a)(1).

In violation of Title 21, United States Code, Sections 846 and 841(b)(1)(A).

The Grand Jury further charges:

COUNT 2

(Conspiracy to Murder a Federal Employee)

From on or about January 27, 2016, up to and including February 10, 2016, in the Western District of Kentucky, Jefferson County, Kentucky, the defendants, **MARCUS BENNETT** and **ERIC BENNETT**, knowingly and intentionally conspired and agreed with each other to kill D.L., an employee of the United States Postal Service, in violation of Title 18, United States Code, Section 1114.

In furtherance of such agreement and conspiracy, and to effect the objects thereof, on February 10, 2016, in the Western District of Kentucky, **ERIC BENNETT**, shot D.L. with a firearm.

In violation of Title 18, United States Code, Section 1117.

The Grand Jury further charges:

COUNT 3

(Attempted Murder of a Federal Employee)

On or about February 10, 2016, in the Western District of Kentucky, Jefferson County, Kentucky, the defendants, **ERIC BENNETT** and **MARCUS BENNETT**, aided and abetted by each other and others, knowingly and intentionally attempted to kill D.L., an employee of the United States Postal Service, by shooting D.L. with a firearm, while D.L. was engaged in the performance of his official duties.

In violation of Title 18, United States Code, Sections 2 and 1114(3).

The Grand Jury further charges:

COUNT 4

(Forcible Assault of a Federal Employee)

On or about February 10, 2016, in the Western District of Kentucky, Jefferson County, Kentucky, the defendants, **ERIC BENNETT** and **MARCUS BENNETT**, aided and abetted by each other and others, knowing and intentionally forcibly assaulted, intimidated and interfered with, by shooting with a firearm, D.L., an employee of the United States Postal Service, while he was engaged in and on account of the performance of his official duties.

In violation of Title 18, United States Code, Sections 2 and 111(a)(1).

The Grand Jury further charges:

COUNT 5

(Discharge of a Firearm During a Crime of Violence)

On or about February 10, 2016, in the Western District of Kentucky, Jefferson County, Kentucky, the defendant, **ERIC BENNETT**, knowingly used, carried and discharged a firearm during, and in relation to a crime of violence, for which he may be prosecuted in a court of the United States;

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

The Grand Jury further charges:

COUNT 6

(Possession of a Firearm by a Convicted Felon)

On or about February 27, 2017, in the Western District of Kentucky, Jefferson County, Kentucky, the defendant, **ERIC BENNETT**, being a person who had been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, namely:

On November 30, 2012, the defendant was convicted of Trafficking in a Controlled Substance (cocaine), First Degree, and Fleeing or Evading Police, First Degree (2 counts), under Indictment Number 10-CR-2669 in Jefferson County, Kentucky, Circuit Court,

knowingly possessed, in and affecting commerce, a firearm, more specifically described as: a Sig Sauer p250 pistol, bearing serial number EAK124196, and ammunition.

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

The Grand Jury further charges:

COUNT 7

(Use or Possess a Firearm in Furtherance of a Drug Trafficking Crime)

On or about February 27, 2017, in the Western District of Kentucky, Jefferson County, Kentucky, the defendant, **ERIC BENNETT**, knowingly used, carried and possessed a firearm during, in relation to, and in furtherance of a drug trafficking crime, for which he may be prosecuted in a court of the United States.

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

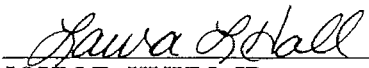
NOTICE OF FORFEITURE

As a result of committing an offense in violation of Title 18, United States Code, Sections 924(c)(1)(A)(i), 924(c)(1)(A)(iii), and Section 922(g)(1), as alleged in this Indictment, felonies punishable by imprisonment for more than one year, the defendant, **ERIC BENNETT**, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d), and Title 28, United States Code, Section 2461, all firearms and ammunition involved in the commission of the offense; to specifically include the following: a Sig Sauer p250 pistol, bearing serial number EAK124196, and ammunition.

Furthermore, as a result of committing an offense in violation of Title 21, United States Code, Section 846 and 841(b)(1)(A), as alleged in this Indictment, a felony punishable by imprisonment for more than one year, the defendants, **MARCUS BENNETT, ERIC BENNETT,** and **JULIAH YOUNG**, shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all property constituting, or derived from, proceeds the defendants obtained, directly or indirectly, as a result of said offense, and any and all of the defendants' property used, or intended to be used, in any manner or part, to commit or to facilitate the commission of the violation alleged in this Indictment, including but not limited to a 2006 Chevrolet Trailblazer, bearing VIN # 1GNET13H362197979, a 2009 Black Dodge Challenger, bearing VIN # 2B3LJ74W79H563896, United States currency in the amount of \$1,350.00, and Real Property, located on or about 627 N. 34th Street, Louisville, Kentucky, a Taurus PT738, .38 caliber semiautomatic pistol, bearing SN: ID055455, a Ruger P95DC, 9 millimeter pistol, bearing SN: 312-86380, a Millennium PT111 G2, 9 millimeter, bearing SN: TJW59221, a Springfield XDS .45 caliber, bearing SN: XS557795, a Taurus handgun, bearing SN: 66471B and a Charter 2000, Undercover .38 special, bearing SN: 57963, and ammunition.

A TRUE BILL.

~~FOREPERSON~~


JOHN E. KUHN, JR.
UNITED STATES ATTORNEY

JEK: JSD

UNITED STATES OF AMERICA v. ERIC BENNETT, MARCUS BENNETT and JULIAH YOUNG

PENALTIES

Count 1	NL 10 yrs./NM Life/\$10,000,000/both/NL 5 yrs. Supervised Release
Count 2	Any number of years, up to and including Life/\$250,000/NM 3 yrs. Supervised Release
Counts 3, 4:	NM 20 yrs./\$250,000/both/NM 3 yrs. Supervised Release (each count)
Count 5:	NL 10 yrs. consecutive/\$250,000/both/NM 5 yrs. Supervised Release
Count 6:	NM 10 yrs./\$250,000/both/NM 3 yrs. Supervised Release
Count 7:	NL 25 yrs. consecutive/\$250,000/both/NM 5 yrs. Supervised Release
Forfeiture	

NOTICE

ANY PERSON CONVICTED OF AN OFFENSE AGAINST THE UNITED STATES SHALL BE SUBJECT TO SPECIAL ASSESSMENTS, FINES, RESTITUTION & COSTS.

SPECIAL ASSESSMENTS

18 U.S.C. § 3013 requires that a special assessment shall be imposed for each count of a conviction of offenses committed after November 11, 1984, as follows:

Misdemeanor: \$ 25 per count/individual	Felony: \$100 per count/individual
\$125 per count/other	\$400 per count/other

FINES

In addition to any of the above assessments, you may also be sentenced to pay a fine. Such fine is due immediately unless the court issues an order requiring payment by a date certain or sets out an installment schedule. You shall provide the United States Attorney's Office with a current mailing address for the entire period that any part of the fine remains unpaid, or you may be held in contempt of court. 18 U.S.C. § 3571, 3572, 3611, 3612

Failure to pay fine as ordered may subject you to the following:

1. **INTEREST and PENALTIES** as applicable by law according to last date of offense.

For offenses occurring after December 12, 1987:

No **INTEREST** will accrue on fines under \$2,500.00.

INTEREST will accrue according to the Federal Civil Post-Judgment Interest Rate in effect at the time of sentencing. This rate changes monthly. Interest accrues from the first business day following the two week period after the date a fine is imposed.

PENALTIES of:

10% of fine balance if payment more than 30 days late.
15% of fine balance if payment more than 90 days late.

2. Recordation of a **LIEN** shall have the same force and effect as a tax lien.

3. Continuous **GARNISHMENT** may apply until your fine is paid.

18 U.S.C. §§ 3612, 3613

If you **WILLFULLY** refuse to pay your fine, you shall be subject to an **ADDITIONAL FINE** of not more than the greater of \$10,000 or twice the unpaid balance of the fine; or **IMPRISONMENT** for not more than 1 year or both. 18 U.S.C. § 3615

RESTITUTION

If you are convicted of an offense under Title 18, U.S.C., or under certain air piracy offenses, you may also be ordered to make restitution to any victim of the offense, in addition to, or in lieu of any other penalty authorized by law. 18 U.S.C. § 3663

APPEAL

If you appeal your conviction and the sentence to pay your fine is stayed pending appeal, the court shall require:

1. That you deposit the entire fine amount (or the amount due under an installment schedule during the time of your appeal) in an escrow account with the U.S. District Court Clerk, or
2. Give bond for payment thereof.

18 U.S.C. § 3572(g)

PAYMENTS

If you are ordered to make payments to the U.S. District Court Clerk's Office, certified checks or money orders should be made payable to the Clerk, U.S. District Court and delivered to the appropriate division office listed below:

LOUISVILLE: Clerk, U.S. District Court
106 Gene Snyder U.S. Courthouse
601 West Broadway
Louisville, KY 40202
502/625-3500

BOWLING GREEN: Clerk, U.S. District Court
120 Federal Building
241 East Main Street
Bowling Green, KY 42101
270/393-2500

OWENSBORO: Clerk, U.S. District Court
126 Federal Building
423 Frederica
Owensboro, KY 42301
270/689-4400

PADUCAH:
Clerk, U.S. District Court
127 Federal Building
501 Broadway
Paducah, KY 42001
270/415-6400

If the court finds that you have the present ability to pay, an order may direct imprisonment until payment is made.

FORM DBD-34
JUN.85

No. 3:17CR-32-DJH

UNITED STATES DISTRICT COURT

Western District of Kentucky
Louisville Division

THE UNITED STATES OF AMERICA

vs.

ERIC BENNETT

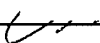
MARCUS BENNETT

JULIYAH YOUNG

SUPERSEDING INDICTMENT

Title 21 U.S.C. §§ 846; 841(b)(1)(A);
Title 18 U.S.C. §§ 1117; 2; 1114(3); 111(a)(1);
924(c)(1)(A)(iii); 922(g)(1); 924(a)(2);
924(c)(1)(A)(i):
**Conspiracy to Distribute Heroin and Marijuana;
Conspiracy to Murder a Federal Employee;
Attempted Murder of a Federal Employee;
Forcible Assault of a Federal Employee;
Discharge of a Firearm During a Crime of
Violence; Possession of a Firearm by a
Convicted Felon; Use or Possession of a Firearm
in Furtherance of a Drug Trafficking Crime.**

A true bill,


Foreperson

Filed in open court this 19th day, of April, 2017.

Clerk

Bail, \$

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VANESSA L. ARMSTRONG, CLERK

APR 19 2017

U.S. DISTRICT COURT
WESTN. DIST. KENTUCKY