

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED

See attachment

- ☐
- Petty
-
- ☐
- Minor
-
- ☐
- Misdemeanor
-
- ☒
- Felony

PENALTY:

See attachment

PROCEEDING
 Name of Complainant Agency, or Person (& Title, if any)
 Bureau of Alcohol, Tobacco, Firearms & Explosives

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. Att'y ☐ Defense

☐ this prosecution relates to a pending case involving this same defendant

☒ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under
SHOW
DOCKET NO.MAGISTRATE
CASE NO.

4-12-mj-70404

 Name and Office of Person
 Furnishing Information on
 THIS FORM

MELINDA HAAG

☒ U.S. Att'y ☐ Other U.S. Agency

 Name of Asst. U.S. Att'y
 (if assigned)

Natalie Lee, AUSA

 Name of District Court, and/or Judge/Magistrate Location
 NORTHERN DISTRICT OF CALIFORNIA
FILED

DEFENDANT - U.S.

JUL - 5 2012

George Simone BRANCH

RICHARD W. WIEKING

CLERK, U.S. DISTRICT COURT

DISTRICT COURT NUMBER

NORTHERN DISTRICT OF CALIFORNIA
OAKLAND**CR12-00535 PJH****DEFENDANT****IS NOT IN CUSTODY**

- 1) ☐ Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☒ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges

☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

 Has detainer
 been filed?

☐ Yes
☐ No

 If "Yes"
 give date
 filed

**DATE OF
 ARREST**

Month/Day/Year

Or... if Arresting Agency & Warrant were not

**DATE TRANSFERRED
 TO U.S. CUSTODY**

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☒ NO PROCESS*

☐ WARRANT Bail Amount:

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

ATTACHMENT TO PENALTY SHEET

Count One 21 U.S.C. § 846 - Conspiracy to Distribute and to Possess with Intent to Distribute 5 Kilograms or More of Cocaine

- | | |
|------------------------|---|
| 1) Imprisonment: | Mandatory minimum 10 years imprisonment
Maximum life imprisonment |
| 2) Fine: | Maximum \$10,000,000 |
| 3) Supervised Release: | Mandatory minimum 5 years supervised release
Maximum lifetime supervised release |
| 4) Special Assessment: | \$100 |

Count Two 18 U.S.C. § 1951(a) - Conspiracy to Commit Robbery Affecting Interstate Commerce

- | | |
|------------------------|----------------------------------|
| 1) Imprisonment: | Maximum imprisonment of 20 years |
| 2) Fine: | Maximum \$250,000 |
| 3) Supervised Release: | Maximum 3 years |
| 4) Special Assessment: | \$100 |

Count Three 18 U.S.C. § 924(c)(1)(A)(I) - Possession of a Firearm During and in Relation to and in Furtherance of a Crime of Violence and Drug Trafficking Crime

- | | |
|------------------------|--|
| 1) Imprisonment: | Mandatory minimum 5 years imprisonment
consecutive to any other term of imprisonment
Maximum life imprisonment |
| 2) Fine: | Maximum \$250,000 |
| 3) Supervised Release: | Maximum 5 years |
| 4) Special Assessment: | \$100 |

**Counts Four
and Five**

18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm

- | | |
|------------------------|----------------------------------|
| 1) Imprisonment: | Maximum imprisonment of 10 years |
| 2) Fine: | Maximum \$250,000 |
| 3) Supervised Release: | Maximum 3 years |
| 4) Special Assessment: | \$100 |

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: Oakland

UNITED STATES OF AMERICA,

v.

GEORGE SIMONE BRANCH,

FILED

JUL - 5 2012

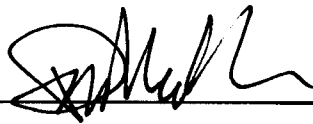
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

DEFENDANT.

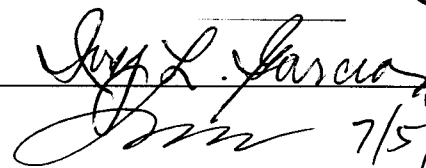
INDICTMENT

Title 21, United States Code, Section 846 — Conspiracy to Distribute/Possess with Intent to Distribute a Controlled Substance; Title 18, United States Code, Section 1951(a) — Conspiracy to Commit Robbery Affecting Interstate Commerce; Title 18, United States Code, Section 924(c)(1)(A)(I) — Possession of a Firearm in Furtherance of a Drug Trafficking Crime; Title 18, United States Code, Section 922(g)(1) — Felon in Possession of a Firearm; Title 18, United States Code, Section 2 — Aiding and Abetting; Title 21, United States Code, Section 853 — Drug Forfeiture; Title 18, United States Code, Section 924(d) — Forfeiture of Firearms

A true bill.


Foreman

Filed in open court this 3 day of July 2012


Clerk
7/5/12

Bail, \$

no process

MELINDA HAAG (CABN 132612)
United States Attorney

FILED

JUL - 5 2012

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

PJH

UNITED STATES OF AMERICA,

Plaintiff,

v.

GEORGE SIMONE BRANCH,

Defendant.

CR12-00535

VIOLATIONS: Title 21, United States Code, Section 846 — Conspiracy to Distribute/Possess with Intent to Distribute a Controlled Substance; Title 18, United States Code, Section 1951(a) — Conspiracy to Commit Robbery Affecting Interstate Commerce; Title 18, United States Code, Section 924(c)(1)(A)(I) — Possession of a Firearm in Furtherance of a Drug Trafficking Crime; Title 18, United States Code, Section 922(g)(1) — Felon in Possession of a Firearm; Title 18, United States Code, Section 2 — Aiding and Abetting; Title 21, United States Code, Section 853 — Drug Forfeiture; Title 18, United States Code, Section 924(d) — Forfeiture of Firearms

OAKLAND VENUE

INDICTMENT

The Grand Jury charges:

COUNT ONE: (21 U.S.C. § 846 - Conspiracy to Distribute/Possess with Intent to Distribute a Controlled Substance)

From on or about April 3, 2012, up through and including on or about April 10, 2012, in the Northern District of California and elsewhere, the defendant,

INDICTMENT

1 GEORGE SIMONE BRANCH,

2 unlawfully, knowingly, and intentionally did combine, conspire, confederate and agree with
3 others known and unknown to knowingly and intentionally distribute and possess with intent to
4 distribute a controlled substance, to wit, 5 kilograms or more of mixtures and substances
5 containing a detectable amount of cocaine, in violation of Title 21, United States Code, Sections
6 846, 841(a)(1), and 841(b)(1)(A).

7
8 COUNT TWO: (18 U.S.C. § 1951(a) - Conspiracy to Commit Robbery Affecting Interstate
Commerce)

9 From on or about April 3, 2012, up through and including on or about April 10, 2012, in
10 the Northern District of California and elsewhere, the defendant,

11 GEORGE SIMONE BRANCH,

12 did willfully and knowingly conspire and agree with others known and unknown to obstruct,
13 delay, and affect commerce and the movement of articles and commodities in commerce by
14 robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), in violation
15 of Title 18, United States Code, Section 1951(a).

16
17 COUNT THREE: (18 U.S.C. §§ 924(c)(1)(A)(I) and 2 - Carrying and Possession of a
18 Firearm During and in Relation to and in Furtherance of a Drug
19 Trafficking Crime, Aiding and Abetting)

20 On or about April 10, 2012, in the Northern District of California, the defendant,

21 GEORGE SIMONE BRANCH,

22 did willfully and knowingly carry a firearm during and in relation to, and possess a firearm in
23 furtherance of, a crime of violence and drug trafficking crime for which he may be prosecuted in
24 a court of the United States, as alleged in Counts One and Two of the Indictment, and did aid and
25 abet the same, in violation of Title 18, United States Code, Sections 924(c)(1)(A)(I) and 2.

26 COUNT FOUR: (18 U.S.C. § 922(g)(1) - Felon in Possession of a Firearm)

27 On or about April 4, 2012, in the Northern District of California, the defendant,
28

1 GEORGE SIMONE BRANCH,

2 having previously been convicted of a felony offense punishable by a term of imprisonment
3 exceeding one year, did knowingly possess a firearm and ammunition, described as: (1) a
4 Haskell, .45 caliber pistol, with serial number 036744, and (2) seven rounds of live .45 caliber
5 ammunition, in and affecting interstate and foreign commerce, in violation of Title 18, United
6 States Code, Section 922(g)(1).

7
8 COUNT FIVE: (18 U.S.C. § 922(g)(1) - Felon in Possession of a Firearm)

9 On or about April 10, 2012, in the Northern District of California, the defendant,

10 GEORGE SIMONE BRANCH,

11 having previously been convicted of a felony offense punishable by a term of imprisonment
12 exceeding one year, did knowingly possess a firearm and ammunition, described as: (1) a Taurus,
13 model PT99, 9mm pistol with serial number TPF96753, and (2) twenty-nine (29) rounds of 9mm
14 Remington Peters ammunition, in and affecting interstate and foreign commerce, in violation of
15 Title 18, United States Code, Section 922(g)(1).

16
17 FIRST FORFEITURE ALLEGATION: (21 U.S.C. § 853 – Drug Forfeiture)

18 The factual allegations contained in Counts One and Three of this Indictment are
19 re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture
20 pursuant to the provisions of 21 U.S.C. §§ 853(a)(1) and (2).

21 Upon conviction of any of the offenses alleged in Count One and Count Three, the
22 defendant,

23 GEORGE SIMONE BRANCH,

24 shall forfeit to the United States all right, title, and interest in property constituting and derived
25 from any proceeds defendants obtained, directly or indirectly, as a result of said violations, and
26 any property used, or intended to be used, in any manner or part, to commit, or to facilitate the
27 commission of the said violations.

28 If, as a result of any act or omission of the defendant, any of said property

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to or deposited with, a third person;
- 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;

any and all interest the defendant has in other property shall be vested in the United States and forfeited to the United States pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

All in violation of 21 U.S.C. §§ 853(a)(1) and (2), 853(p) and Rule 32.2 of the Federal Rules of Criminal Procedure.

SECOND FORFEITURE ALLEGATION: (18 U.S.C. § 924(d) - Forfeiture of Firearms)

The factual allegations contained in Counts Two, Four, and Five of this Indictment are re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture pursuant to the provisions 18 U.S.C. § 924(d)(1).

Upon a conviction for the offenses alleged in Counts Two, Four, and Five above, the defendant,

GEORGE SIMONE BRANCH,

shall forfeit to the United States any firearm, silencer, or ammunition involved in or used in any knowing violation of said offenses, including but not limited to the following property:

- a. a Taurus, model PT99, 9 mm pistol with serial number TPF96753; and

//

//

//

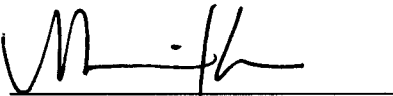
b. Twenty-nine (29) rounds of 9mm Remington Peters ammunition.
All in violation of Title 18, United States Code, Section 924(d)(1).

DATED: 5 July 2012

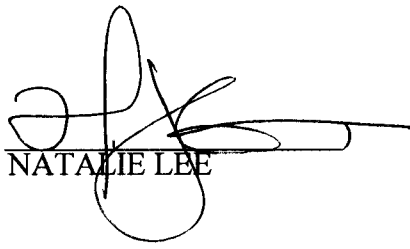
A TRUE BILL.


FOREPERSON

MELINDA HAAG
United States Attorney



MIRANDA KANE
Chief, Criminal Division

(Approved as to form: )

NATALIE LEE

United States District Court
Northern District of California

FILED

JUL - 5 2012

CRIMINAL COVER SHEET

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

Instructions: Effective January 3, 2012, this Criminal Cover Sheet must be completed and submitted, along with the Defendant Information Form, for each new criminal case. Please place this form on top of the Defendant Information Form.

Case Name:

USA v. GEORGE SIMONE BRANCH

Case Number
CR12-00535 PJH

Total Number of Defendants:

1 ☒ 2-7 _____ 8 or more _____

Is This Case Under Seal?

Yes _____ No ☒

Does this case involve ONLY charges under 8 U.S.C. § 1325 and/or 1326?

Yes _____ No ☒

Venue (Per Crim. L.R. 18-1):

SF _____ OAK ☒ SJ _____

Is this a death-penalty-eligible RICO Act gang case?

Yes _____ No ☒

Assigned AUSA (Lead Attorney):

Natalie Lee

Comments:

Date Submitted:

7/5/12