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-		FILED
1		2015 AUG 28 PM 2: 55
3		BUCHK, U.S. DISTRICT COURT
4		CONTRACTOR OF CALIFORNIA
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6	UNSEALED PER ORDER OF COURT	
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8	UNITED STATES DISTRICT COURT	
9	SOUTHERN DISTRICT OF CALIFORNIA	
10	September 2013 Grand Jury	
11	UNITED STATES OF AMERICA,	Case No15CR0174-W
12	Plaintiff,	$\frac{I}{(2^{nd}} \underbrace{I}_{2^{nd}} \underbrace{T}_{2^{nd}} \underbrace{T}_{1} \underbrace{M}_{1} \underbrace{E}_{1} \underbrace{N}_{1} \underbrace{T}_{1}$
13	ν.	Title 18, U.S.C., Sec. 922(g)(1) - Felon in Possession of Firearms and Ammunition; Title 18, U.S.C., Sec. 931 - Possession of Body Armor by Violent Felon; Title 18,
14	MARCHELLO DSAUN MCCAIN,	
15	Defendant.	
16		U.S.C., Sec. 1001(a)(2) - False Statements Involving International
18	The grand jury charges:	Terrorism
19	Count 1	
20	On or about February 13, 2014, within the Southern District of	
21	California, defendant MARCHELLO DSAUN MCCAIN, being a person who had	
22	previously been convicted in a court, to wit, on or about May 31,	
23	2005, in the District Court for the Fourth Judicial District of the	
24	State of Minnesota, County of Hennepin, of two counts of Assault in	
25	the Second Degree, in violation of Minnesota Statute § 609.222, a	
26	crime punishable by imprisonment	for a term exceeding one year, did
27	knowingly and unlawfully possess	firearms and ammunition, in and
28	affecting commerce, to wit:	
	SPH:nlv(lml):San Diego:8/28/15	

- (1) five (5) rounds of Winchester 12 gauge 2.75" 7.5 shot shotgun ammunition;
- (2) a Mossberg Model 500, 12 gauge pump-action shotgun, serial number U645986; and

(3) an AR-15 style semi-automatic rifle;

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

Count 2

2014, within the Southern District of On or about May 29, 8 California, defendant MARCHELLO DSAUN MCCAIN, being a person who had 9 previously been convicted in a court, to wit, on or about May 31, 10 2005, in the District Court for the Fourth Judicial District of the 11 State of Minnesota, County of Hennepin, of two counts of Assault in 12 the Second Degree, in violation of Minnesota Statute § 609.222, a 13 crime punishable by imprisonment for a term exceeding one year, did 14 knowingly and unlawfully possess firearms, in and affecting commerce, 15 to wit, a Glock Model 19, nine millimeter caliber pistol, serial 16 number RXU609 and a Mossberg Model 500, 12 gauge pump-action shotgun, 17 serial number T893954; all in violation of Title 18, United States 18 Code, Section 922(g)(1). 19

Count 3

On or about September 9, 2014, within the Southern District of California, defendant MARCHELLO DSAUN MCCAIN, being a person who had previously been convicted in a court, to wit, on or about May 31, 24 2005, in the District Court for the Fourth Judicial District of the State of Minnesota, County of Hennepin, of two counts of Assault in the Second Degree, in violation of Minnesota Statute § 609.222, a crime punishable by imprisonment for a term exceeding one year, did

1 knowingly and unlawfully possess firearms, in and affecting commerce, 2 to wit, a Glock Model 17, nine millimeter caliber pistol, and a 3 Mossberg Model 500, 12 gauge pump-action shotgun, serial 4 number T893954; all in violation of Title 18, United States Code, 5 Section 922(g)(1).

Count 4

On or about January 23, 2015, within the Southern District of 7 California, defendant MARCHELLO DSAUN MCCAIN, being a person who had 8 previously been convicted in a court, to wit, on or about May 31, 9 2005, in the District Court for the Fourth Judicial District of the 10 State of Minnesota, County of Hennepin, of two counts of Assault in 11 the Second Degree, in violation of Minnesota Statute § 609.222, a 12 crime punishable by imprisonment for a term exceeding one year, did 13 knowingly and unlawfully possess firearms and ammunition, in and 14 affecting commerce, to wit: 15

- 16 (1) a stolen Springfield Armory Model XD nine millimeter pistol, 17 serial number US96206;
- 18 (2) nine (9) rounds of Winchester nine millimeter ammunition;
- 19 (3) one (1) round of Federal nine millimeter ammunition;
- 20 (4) five (5) rounds of Winchester PDX1 Defender 12 gauge shotgun 21 rounds;
- (5) fifteen (15) rounds of Winchester PDX1 Defender .38 Special
 hollow point ammunition; and
 - (6) thirty-five (35) rounds of Century Arms 7.62 x 39 millimeter Hotshot ammunition;

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26 all in violation of Title 18, United States Code, Section 922(g)(1).
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Count 5

On or about January 23, 2015, within the Southern District 2 of California, defendant MARCHELLO DSAUN MCCAIN, being a person who 3 had previously been convicted of a crime of violence and an offense 4 under state law that would constitute a crime of violent if it 5 occurred within the special maritime and territorial jurisdiction of 6 the United States, to wit, on or about May 31, 2005, in the District 7 Court for the Fourth Judicial District of the State of Minnesota, 8 County of Hennepin, of two counts of Assault in the Second Degree, in 9 violation of Minnesota Statute § 609.222, a crime punishable by 10 imprisonment for a term exceeding one year, did knowingly possess in 11 and affecting commerce body armor, serial number 125375, that had 12 been shipped and transported in interstate and foreign commerce; in 13 violation of Title 18, United States Code, Section 931. 14

Count 6

On or about January 26, 2015, within the Southern District of 16 California, defendant MARCHELLO DSAUN MCCAIN, being a person who had 17 previously been convicted in a court, to wit, on or about May 31, 18 19 2005, in the District Court for the Fourth Judicial District of the State of Minnesota, County of Hennepin, of two counts of Assault in 20 the Second Degree, in violation of Minnesota Statute § 609.222, a 21 crime punishable by imprisonment for a term exceeding one year, did 22 knowingly and unlawfully possess firearms, in and affecting commerce, 23 to wit: 24

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- (1) a Glock Model 17 Gen4 nine millimeter pistol, serial numberVEM605;
- (2) a Harrington & Richardson 1871 Pardner pump 12-gauge shotgun, serial number NZ541169; and
 - (3) a M1 Carbine .30 caliber semi-automatic rifle, serial number 3469868;

7 all in violation of Title 18, United States Code, Section 922(g)(1).

Count 7

9 On or about January 23, 2015, within the Southern District of 10 California, defendant MARCHELLO DSAUN MCCAIN, in a matter within the 11 jurisdiction of the executive branch of the Government of the United 12 States, to wit, the Federal Bureau of Investigation ("FBI"), did 13 knowingly and willfully make materially false, fraudulent, and 14 fictitious statements and representations, in that defendant MARCHELLO 15 DSAUN MCCAIN stated to a Special Agent of the FBI that:

(1) Prior to the departure of his brother, Douglas Mcauthur McCain ("Douglas"), from the United States on March 9, 2014, he did not know of Douglas' plans to travel to Syria to fight;

19 (2) He never knew that Douglas used the debit/credit card of 20 H.H. to purchase airline tickets to travel from the United States to 21 Turkey in March 2014;

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(3) That he believed that the source of the approximately \$2600
 deposited into H.H.'s bank account in March 2014 was from student
 financial aid paid to H.H.

4 It is further alleged that this offense involved international 5 terrorism.

All in violation of Title 18, United States Code, Section 1001(a)(2). DATED: August 28, 2015.

A TRUE BILL: cent Foreperson

11 LAURA E. DUFFY 12 United States Attorney

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By: SHAND P. HARRIGAN Assistant U.S. Attorney

By: CAROLINE HAN Assistant U.S. Attorney