

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

| | | |
|--------------------------|---|-------------------------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| |) | 4:11CR |
| |) | |
| vs. |) | 18 U.S.C. §241; |
| |) | 18 U.S.C. § 3631; |
| JASON BARNWELL, |) | 26 U.S.C. § 5861(d); |
| GARY DODSON, |) | 18 U.S.C. § 844(h)(1); |
| JAKE MURPHY, |) | 18 U.S.C. § 924(c)(1)(B)(ii); |
| DUSTIN HAMMOND, and |) | 18 U.S.C. § 1512(b)(3); |
| WENDY TREYBIG |) | 18 U.S.C. § 922(g)(1); |
| |) | 18 U.S.C. § 924(e); |

INDICTMENT

THE GRAND JURY CHARGES:

INTRODUCTION/BACKGROUND

At all times relevant to this indictment:

1. L.W. is an African American male, 47 years of age.
2. The introductory and background allegation as set forth in paragraph 1 is re-alleged and incorporated into Counts One through Three.

COUNT ONE

On or about January 14, 2011, in the Eastern District of Arkansas, the defendants,

JASON BARNWELL,
GARY DODSON,
JAKE MURPHY, and
DUSTIN HAMMOND

did willfully combine, conspire, and agree with one another to injure, oppress, threaten, and intimidate L.W., whose identity is known to the grand jury, in the free exercise and enjoyment of

a right secured to L.W. by the Constitution and laws of the United States; that is, the right to occupy a dwelling free from injury, intimidation, and interference based on race.

It was part of the plan and purpose of this conspiracy to throw incendiary devices, to wit Molotov cocktails, at L.W.'s house to start a fire, and thereby intimidate and interfere with L.W.'s enjoyment and occupancy of L.W.'s house.

OVERT ACTS

In furtherance of this conspiracy and to accomplish its objectives, the conspirators committed the following overt acts, among others, on or about January 14, 2011, within the Eastern District of Arkansas:

1. JASON BARNWELL, GARY DODSON, JAKE MURPHY and DUSTIN HAMMOND met together at the home of JASON BARNWELL and discussed committing an act of violence against L.W.
2. JAKE MURPHY collected beer bottles and rags from the home of JASON BARNWELL.
3. GARY DODSON transported JASON BARNWELL, JAKE MURPHY, and DUSTIN HAMMOND to a gas station to purchase gasoline for the purpose of making incendiary devices, specifically Molotov cocktails.
4. GARY DODSON transported JASON BARNWELL, JAKE MURPHY, and DUSTIN HAMMOND along with gasoline, rags, and beer bottles, to L.W.'s house.
5. JASON BARNWELL, JAKE MURPHY, and DUSTIN HAMMOND built Molotov cocktails, using gasoline, rags, and beer bottles.

6. At least one Molotov cocktail was thrown by JAKE MURPHY at L.W.'s house, causing a fire to start.

All in violation of Title 18, United States Code, Section 241.

COUNT TWO

On or about January 14, 2011, in the Eastern District of Arkansas, the defendants,

JASON BARNWELL,
GARY DODSON,
JAKE MURPHY, and
DUSTIN HAMMOND,

while aiding and abetting each other, did by force and threat of force, willfully intimidate and interfere with, and attempt to intimidate and interfere with L.W., because of L.W.'s race, and because L.W. was occupying a dwelling. This offense involved the use and attempted use of a dangerous weapon and fire.

All in violation of Title 42, United States Code, Section 3631, and Title 18, United States Code, Section 2.

COUNT THREE

On or about January 14, 2011, in the Eastern District of Arkansas, the defendants,

JASON BARNWELL,
GARY DODSON,
JAKE MURPHY, and
DUSTIN HAMMOND,

while aiding and abetting each other, did receive and possess a firearm which was not registered to them in the National Firearms Registration and Transfer Record, namely a destructive device.

All in violation of Title 26, United States Code, Section 5861(d) and Title 18, United States Code, Section 2.

COUNT FOUR

On or about January 14, 2011, in the Eastern District of Arkansas, the defendants,

JASON BARNWELL,
GARY DODSON,
JAKE MURPHY, and
DUSTIN HAMMOND,

while aiding and abetting each other, did willfully use fire to commit a felony offense prosecutable in a court of the United States, namely while violating Count One, 18 U.S.C. § 241 and Count Two, 42 U.S.C. § 3631.

All in violation of Title 18, United States Code, Section 844(h)(1) and Title 18, United States Code, Section 2.

COUNT FIVE

On or about January 14, 2011, in the Eastern District of Arkansas, the defendants

JASON BARNWELL,
GARY DODSON,
JAKE MURPHY, and
DUSTIN HAMMOND,

while aiding and abetting each other, and while committing a crime of violence for which they may be prosecuted in a court of the United States, namely while violating Count One, 18 U.S.C. § 241, Count Two, 42 U.S.C. § 3631, Count Three, 26 U.S.C. § 5861(d), and Count Four, 18 U.S.C. § 844(h)(1), used and carried a destructive device, and, in furtherance of said crime of violence, possessed a destructive device.

All in violation of Title 18, United States Code, Section 924(c)(1)(B)(ii) and Title 18, United States Code, Section 2.

COUNT SIX

On or about January 17, 2011, in the Eastern District of Arkansas, defendant

WENDY TREYBIG

did knowingly intimidate, threaten, and corruptly persuade another person, and attempt to do so, with intent to hinder, delay, and prevent the communication to a federal law enforcement officer of information relating to the commission or possible commission of a federal offense.

All in violation of Title 18, United States Code, Section 1512(b)(3).

COUNT SEVEN

On or about March 16, 2011, in the Eastern District of Arkansas, defendant

JASON BARNWELL,

having been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess in and affecting interstate commerce a firearm, to wit, a .22 caliber Marlin model rifle, serial number 99154744.

All in violation of Title 18, United States Code, Section 922(g)(1) and Title 18, United States Code, Section 924(e)(1).

(END OF TEXT. SIGNATURE PAGE ATTACHED)

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A TRUE BILL

FOREPERSON OF THE GRAND JURY

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