

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

U.S. DISTRICT COURT
DISTRICT OF MAINE
RECEIVED & FILED

UNITED STATES OF AMERICA)

v.)

XAVIER PELKEY)

Criminal No. 1:22-cr-00050-LEW

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SUPERSEDING INDICTMENT

The grand jury charges that:

COUNT ONE
(Conspiracy to Provide Material Support to Terrorists)

From about November 2021 to about February 2022, in the District of Maine and elsewhere, the defendant,

XAVIER PELKEY,

knowingly conspired with other persons to provide material support and resources, as that term is defined in Title 18, United States Code, Section 2339A(b)—namely, personnel (including himself), weapons and explosives—knowing and intending that they were to be used in preparation for, and in carrying out, violations of Title 18, United States Code, Section 2332a (use of and conspiracy to use weapons of mass destruction) and Title 18, United States Code, Section 2332b (acts of terrorism transcending national boundaries).

In violation of Title 18, United States Code, Section 2339A.

COUNT TWO
(Possession of Unregistered Destructive Devices)

On about February 11, 2022, in the District of Maine, the defendant,

XAVIER PELKEY,

knowingly possessed firearms, specifically destructive devices, which were not registered to him in the National Firearms Registration and Transfer Record.

In violation of Title 26, United States Code, Sections 5841, 5861(d) and 5871.

FORFEITURE ALLEGATION AS TO COUNT ONE

1. The allegations contained in Count One of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 981(a)(1)(G) and Title 28, United States Code, Section 2461(c).

2. Upon conviction of the offense in violation of Title 18, United States Code, Section 2339A set forth in Count One of this Indictment, the defendant,

XAVIER PELKEY,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(G) and Title 28, United States Code, Section 2461(c), any and all assets, foreign and domestic, of the defendant; and any and all assets, foreign and domestic, acquired or maintained with the intent and for the purpose of supporting, planning, conducting, or concealing any Federal crime of terrorism, as defined in Title 18, United States Code, Section 2332b(g)(5); any and all assets, foreign and domestic, derived from, involved in, or used or intended to be used to commit any Federal crime of terrorism, as defined in Title 18, United States Code, Section 2332b(g)(5).

3. If any of the property described above, as a result of any act or omission of the defendant:

- 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,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

All pursuant to 18 U.S.C. § 981(a)(1)(G) and 28 U.S.C. § 2461(c).

FORFEITURE ALLEGATION AS TO COUNT TWO

1. The allegations contained in Count Two of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 26, United States Code, Section 5872(a) and Title 28, United States Code, Section 2461(c).

2. Upon conviction of the offense in violation of Title 26, United States Code, Section 5861(d) set forth in Count Two of this Indictment, the defendant,

XAVIER PELKEY,

shall forfeit to the United States pursuant to Title 26, United States Code, Section 5872(a) and Title 28, United States Code, Section 2461(c), any firearms involved in the commission of the offenses, including, but not limited to, three destructive devices seized from **PELKEY's** residence on about February 11, 2022.

3. If any of the property described above, as a result of any act or omission of the defendant:

- 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,

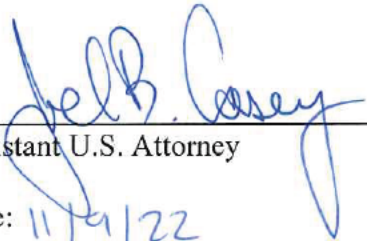
the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

All pursuant to 26 U.S.C. § 5872(a) and 28 U.S.C. § 2461(c).

A TRUE BILL,

Signature Redacted – Original on file
with the Clerk's Office

FOREPERSON


Assistant U.S. Attorney

Date: 11/9/22