

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. : _____
	:	
v.	:	DATE FILED: _____
	:	
NOEL ROBINSON,	:	VIOLATIONS:
a/k/a “Johnny Banks,”	:	8 U.S.C. § 1326(a) (illegal reentry after
a/k/a “Patrick A. Brown, Jr.,”	:	deportation - 1 count)
a/k/a “Veral Hemes”	:	18 U.S.C. § 911 (false claim of United
	:	States citizenship - 1 count)
	:	18 U.S.C. § 1001 (false statement - 1 count)
	:	18 U.S.C. § 922 (g)(5)(A) (illegal alien in
	:	possession of firearm - 1 count)
	:	21 U.S.C. § 841(a)(1) (possession with
	:	intent to distribute marihuana - 1 count)
	:	18 U.S.C. § 924(d) (criminal forfeiture)
	:	21 U.S.C. § 853 (criminal forfeiture)
	:	Notice of Additional Factors

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about June 16, 2004, at Cheltenham, in the Eastern District of Pennsylvania, defendant

**NOEL ROBINSON,
a/k/a “Johnny Banks,”
a/k/a “Patrick A. Brown, Jr.,”
a/k/a “Veral Hemes,”**

an alien who had previously been deported from the United States on or about February 25, 1999, was found in the United States, having knowingly and unlawfully re-entered the United States without first applying to the Attorney General of the United States or his successor, the Secretary for Homeland Security (Title 6, United States Code, Sections 202(3), (4) and 557), for

permission to reapply for admission, and without receiving in response the express consent of the Attorney General or his successor to reapply for admission.

In violation of Title 8, United States Code, Section 1326(a).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about June 16, 2004, at Cheltenham, in the Eastern District of Pennsylvania, defendant

**NOEL ROBINSON,
a/k/a “Johnny Banks,”
a/k/a “Patrick A. Brown, Jr.,”
a/k/a “Veral Hemes,”**

an alien and a native and citizen of Jamaica, did falsely and willfully represent himself to be a citizen of the United States.

In violation of Title 18, United States Code, Section 911.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about June 16, 2004, at Cheltenham, in the Eastern District of Pennsylvania, defendant

**NOEL ROBINSON,
a/k/a “Johnny Banks,”
a/k/a “Patrick A. Brown, Jr.,”
a/k/a “Veral Hemes,”**

in a matter within the jurisdiction of United States Department of Homeland Security, Immigration and Customs Enforcement, an agency of the executive branch of the United States, knowingly and willfully made materially false, fictitious, and fraudulent statements and representations that he was Johnny Banks and born in the United States, when as the defendant then and there well knew, he was Noel Robinson and born in Jamaica.

In violation of Title 18, United States Code, Section 1001.

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about June 16, 2004, at Cheltenham, in the Eastern District of Pennsylvania, defendant

**NOEL ROBINSON,
a/k/a “Johnny Banks,”
a/k/a “Patrick A. Brown, Jr.,”
a/k/a “Veral Hemes,”**

while being an alien illegally and unlawfully in the United States, knowingly possessed in and affecting interstate commerce a firearm, that is, a 9mm Hi-Point, Model C, semi-automatic pistol, serial no. 829952, loaded with 9mm ammunition.

In violation of Title 18, United States Code, Section 922(g)(5)(A).

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about June 16, 2004, at Cheltenham, in the Eastern District of Pennsylvania, defendant

**NOEL ROBINSON,
a/k/a “Johnny Banks,”
a/k/a “Patrick A. Brown, Jr.,”
a/k/a “Veral Hemes,”**

knowingly and intentionally possessed with intent to distribute approximately 100 pounds of a mixture or substance containing a detectable amount of marihuana, a Schedule I controlled substance.

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

NOTICE OF FORFEITURE

As a result of the violation of Title 18, United States Code, Section 922(g)(5)(A), set forth in this indictment, defendant

**NOEL ROBINSON,
a/k/a “Johnny Banks,”
a/k/a “Patrick A. Brown,
a/k/a “Veral Hemes,”**

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 924(d), and Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in the commission of such offense, including, but not limited to: a 9mm Hi-Point, Model C, semi-automatic pistol, serial no. 829952, loaded with 9mm ammunition, and two boxes of 9mm ammunition.

All pursuant to Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 924(d).

NOTICE OF FORFEITURE

As a result of the violation of Title 21, United States Code, Section 841(a)(1) set forth in this indictment, defendant

**NOEL ROBINSON,
a/k/a “Johnny Banks,”
a/k/a “Patrick A. Brown,
a/k/a “Veral Hemes,”**

shall forfeit to the United States:

(A) Any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the violations of Title 21, United States Code, as charged in this indictment, including but not limited to the real estate and improvements located at 7941 Waltham Road, Cheltenham, Pennsylvania, as set forth on the deed dated March 29, 2002 and recorded on or about April 12, 2002 in Montgomery County, Pennsylvania, approximately \$30,060 in cash seized on June 16, 2004, a 2000 Land Rover vehicle VIN No. SALPV1644YA439524, a 2004 Nissan Maxima vehicle VIN No. 1N4BA41E84C810395, and a 2004 BMW 7-series vehicle VIN No. WBAGL63434DP72012.

If any of the property described above as being subject to forfeiture, 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 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 subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of said property listed above as being subject to forfeiture.

All in violation of Title 21, United States Code, Section 853.

NOTICE OF ADDITIONAL FACTORS

THE GRAND JURY FURTHER CHARGES THAT:

1. In committing the offense charged in Count Five of this Indictment, defendant NOEL ROBINSON, a/k/a “Johnny Banks,” a/k/a “Patrick A. Brown, a/k/a “Veral Hemes”:

a. Possessed a dangerous weapon, that is, a firearm, as described in U.S.S.G. § 2D1.1(b)(1).

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney