

FILED  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION  
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SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CAUSE NO. 1:19-cr-0374-TWP-MJD
	)	
JAMES BRISCOE,	)	-01
aka "Muncie,"	)	
DAMARUS PAGE,	)	-02
BRADLEY CLEPHANE,	)	-03
CHRISTOPHER BAYS,	)	-04
JAMAR PUGH,	)	-05
JAMES BELL,	)	-06
aka "P-Bone,"	)	
	)	
Defendants.	)	

**SUPERSEDING INDICTMENT**

**COUNT 1**

[Conspiracy to Possess with Intent to Distribute and Distribute Controlled Substances  
- 21 U.S.C. § 846]

The Grand Jury charges that:

Beginning in or around August 2019, and continuing through on or about December 10, 2019, in the Southern District of Indiana, Indianapolis Division, and elsewhere, JAMES BRISCOE, aka "Muncie," DAMARUS PAGE, BRADLEY CLEPHANE, CHRISTOPHER BAYS, JAMAR PUGH, and JAMES BELL, aka "P-Bone," the defendants herein, did knowingly and intentionally conspire together and with other persons known and unknown to the Grand Jury to possess with intent to distribute and to distribute controlled substances, in violation of Title 21, United States Code, Section 841(a)(1).

OBJECTS OF THE CONSPIRACY

The charged conspiracy had the following objects:

1. To possess with intent to distribute and to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II, non-narcotic controlled substance;
2. To possess with the intent to distribute and to distribute marijuana, a Schedule I, non-narcotic controlled substance.

MANNER AND MEANS

The charged conspiracy operated in the following manner:

1. PUGH, operating out of California and Muncie, Indiana, arranged for drugs, including methamphetamine, to be shipped from California to Indiana for re-distribution by BRISCOE and BELL.
2. PAGE, operating out of Anderson, Indiana, supplied methamphetamine to BRISCOE for re-distribution.
3. BRISCOE, operating out of Muncie, Indiana, supplied methamphetamine and marijuana to BELL, CLEPHANE, BAYS, and others for re-distribution.
4. BELL, operating out of Muncie, Indiana, facilitated BRISCOE's drug trafficking by transporting drugs.
5. CLEPHANE distributed methamphetamine in and around Gosport, Indiana.
6. BAYS distributed methamphetamine in and around Brazil, Indiana.
7. BRISCOE and BAYS used third-parties to transport drugs and drug proceeds.
8. BRISCOE, PAGE, CLEPHANE, and PUGH possessed firearms to protect themselves, their drugs, and their drug proceeds.

9. BRISCOE and PUGH maintained residences in Muncie, Indiana, to store, process, and distribute drugs and drug proceeds.

10. The co-conspirators used cellular telephones and code words to facilitate their drug trafficking activities. These code words, which included “bows,” “zips,” “ice,” and “tree,” referred to pounds, ounces, methamphetamine, and marijuana, respectively.

#### OVERT ACTS

In furtherance of the conspiracy and to accomplish the objects of the conspiracy, the members of the conspiracy did commit, among others, the following overt acts:

1. On or about October 22, 2019, PAGE delivered controlled substances to BRISCOE in Anderson, Indiana, for re-distribution.
2. On or about October 24, 2019, BRISCOE delivered approximately 3.3 kilograms of a mixture or substance containing methamphetamine to CLEPHANE in Muncie, Indiana, for re-distribution.
3. On or about October 24, 2019, CLEPHANE attempted to transport the methamphetamine that he had obtained from BRISCOE to the Gosport, Indiana, area.
4. On or about November 15, 2019, PUGH arranged for a package containing approximately 1.311 kilograms of a mixture or substance containing methamphetamine (“Weber Drive Package”) to be shipped from Van Nuys, California, to 113 W. Weber Drive in Muncie, Indiana (“Weber Drive”).
5. On or about November 18, 2019, PUGH and BELL were present at Weber Drive to accept the Weber Drive Package.

6. On or about November 18, 2019, PUGH and BELL possessed the following items at Weber Drive:

- a. Approximately 7.3 kilograms of a mixture or substance containing marijuana;
- b. Digital scales;
- c. A vacuum sealer and packaging material;
- d. A Hi-Point, model C9, 9mm pistol, serial number P1344887;
- e. A Mossberg, model 500A, 12 gauge shotgun, serial number T296352;
- f. Miscellaneous ammunition; and,
- g. Approximately \$9,520 in U.S. Currency.

7. On or about December 10, 2019, PAGE possessed the following items at 1416 Lincoln Street in Anderson, Indiana:

- a. A Micro Draco, 7.62 caliber pistol, serial number PMD0131614;
- b. A LLAMA, .45 caliber pistol, serial number A80653;
- c. An AK-style, short barrel rifle; and,
- d. Approximately \$2,910 in U.S. Currency.

8. On or about December 10, 2019, BAYS possessed approximately \$2,932 in U.S. Currency at his residence on Ashley Street in Brazil, IN.

All in violation of Title 21, United States Code, Section 846.

COUNT 2

[Possession with Intent to Distribute 500 Grams or More of Methamphetamine –  
21 U.S.C. § 841(a)(1) and (b)(1)(A)]

The Grand Jury further charges that:

On or about October 24, 2019, in the Southern District of Indiana, Indianapolis Division, BRADLEY CLEPHANE, the defendant herein, did knowingly and intentionally possess with intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II, non-narcotic controlled substance, in violation of Title 21, United States Code, Section 841(a)(1); and punishable under Title 21, United States Code, Section 841(b)(1)(A).

COUNT 3

[Attempted Possession with Intent to Distribute 500 Grams or More of Methamphetamine –  
21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(A)]

The Grand Jury further charges that:

On or about November 18, 2019, in the Southern District of Indiana, Indianapolis Division, JAMAR PUGH and JAMES BELL, the defendants herein, did knowingly and intentionally attempt to possess with intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II, non-narcotic controlled substance, in violation of Title 21, United States Code, Sections 846 and 841(a)(1), and punishable under Title 21, United States Code, Section 841(b)(1)(A).

COUNT 4

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

The Grand Jury further charges that:

On or about November 18, 2019, in the Southern District of Indiana, Indianapolis Division, JAMAR PUGH, the defendant herein, knowing that he had been previously convicted of a crime punishable by imprisonment for a term exceeding one year,

To wit: Shooting at an Inhabited Dwelling/Vehicle, in the Los Angeles, California,  
Superior Court, on or about December 29, 2015,

did knowingly possess one or more firearms, to wit: a Hi-Point, model C9, 9mm pistol, serial  
number P1344887; and, a Mossberg, model 500A, 12 gauge shotgun, serial number T296352,  
said firearms having been shipped and transported in interstate and foreign commerce, in  
violation of Title 18, United States Code, Section 922(g)(1).

COUNT 5

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

The Grand Jury further charges that:

On or about December 10, 2019, in the Southern District of Indiana, Indianapolis  
Division, DAMARUS PAGE, the defendant herein, knowing that he had been previously  
convicted of a crime punishable by imprisonment for a term exceeding one year,

To wit: Dealing in Cocaine, in the Madison County, Indiana, Circuit Court, on or about  
June 13, 2005,

did knowingly possess one or more firearms, to wit: a Micro Draco, 7.62 caliber pistol, serial  
number PMD0131614, and a LLAMA, .45 caliber pistol, serial number A80653, said firearms  
having been shipped and transported in interstate and foreign commerce, in violation of Title 18,  
United States Code, Section 922(g)(1).

COUNT 6

[Unlawful Use of Communication Facility – 21 U.S.C. § 843(b)]

The Grand Jury further charges that:

On or about September 20, 2019, in the Southern District of Indiana, Indianapolis  
Division, and elsewhere, Defendant CHRISTOPHER BAYS did knowingly and intentionally use  
a communication facility in facilitating the commission of an act constituting a felony under the

Controlled Substances Act, to wit: BAYS communicated via cellular telephone with an unknown male (“UM-1”) and discussed the poor quality of the methamphetamine that BAYS had sold to UM-1 and the fact that UM-1’s customers were complaining about the poor quality, in violation of Title 21, United States Code, Section 841(a)(1).

All in violation of Title 21, United States Code, Section 843(b).

COUNT 7

[Unlawful Use of Communication Facility – 21 U.S.C. § 843(b)]

The Grand Jury further charges that:

On or about October 5, 2019, in the Southern District of Indiana, Indianapolis Division, and elsewhere, Defendants JAMES BRISCOE, aka “Muncie,” and CHRISTOPHER BAYS did knowingly and intentionally use a communication facility in facilitating the commission of an act constituting a felony under the Controlled Substances Act, to wit: BRISCOE and BAYS communicated via cellular telephone and discussed BAYS obtaining methamphetamine from BRISCOE for re-distribution, in violation of Title 21, United States Code, Section 841(a)(1).

All in violation of Title 21, United States Code, Section 843(b).

COUNT 8

[Unlawful Use of Communication Facility – 21 U.S.C. § 843(b)]

The Grand Jury further charges that:

On or about October 6, 2019, in the Southern District of Indiana, Indianapolis Division, and elsewhere, Defendants JAMES BRISCOE, aka “Muncie,” and CHRISTOPHER BAYS did knowingly and intentionally use a communication facility in facilitating the commission of an act constituting a felony under the Controlled Substances Act, to wit: BRISCOE and BAYS



communicated via cellular telephone and discussed BAYS obtaining controlled substances from BRISCOE for re-distribution, in violation of Title 21, United States Code, Section 841(a)(1).

All in violation of Title 21, United States Code, Section 843(b).

COUNT 9

[Unlawful Use of Communication Facility – 21 U.S.C. § 843(b)]

The Grand Jury further charges that:

On or about October 19, 2019, in the Southern District of Indiana, Indianapolis Division, and elsewhere, Defendants JAMES BRISCOE, aka “Muncie,” and JAMAR PUGH did knowingly and intentionally use a communication facility in facilitating the commission of an act constituting a felony under the Controlled Substances Act, to wit: BRISCOE and PUGH communicated via cellular telephone and discussed shipping controlled substances through the mail, in violation of Title 21, United States Code, Section 841(a)(1).

All in violation of Title 21, United States Code, Section 843(b).

COUNT 10

[Unlawful Use of Communication Facility – 21 U.S.C. § 843(b)]

The Grand Jury further charges that:

On or about October 22, 2019, in the Southern District of Indiana, Indianapolis Division, and elsewhere, Defendants JAMES BRISCOE, aka “Muncie,” and JAMAR PUGH did knowingly and intentionally use a communication facility in facilitating the commission of an act constituting a felony under the Controlled Substances Act, to wit: BRISCOE, PUGH, and an unknown male (“UM-2”) communicated via cellular telephone and discussed BRISCOE obtaining controlled substances from PUGH and UM-2 for re-distribution in Indiana, in violation of Title 21, United States Code, Section 841(a)(1).

All in violation of Title 21, United States Code, Section 843(b).



COUNT 11

[Unlawful Use of Communication Facility – 21 U.S.C. § 843(b)]

The Grand Jury further charges that:

On or about October 22, 2019, in the Southern District of Indiana, Indianapolis Division, and elsewhere, Defendants JAMES BRISCOE, aka “Muncie,” and BRADLEY CLEPHANE did knowingly and intentionally use a communication facility in facilitating the commission of an act constituting a felony under the Controlled Substances Act, to wit: BRISCOE and CLEPHANE communicated via cellular telephone and discussed CLEPHANE obtaining methamphetamine from BRISCOE for re-distribution, in violation of Title 21, United States Code, Section 841(a)(1).

All in violation of Title 21, United States Code, Section 843(b).

COUNT 12

[Unlawful Use of Communication Facility – 21 U.S.C. § 843(b)]

The Grand Jury further charges that:

On or about October 22, 2019, in the Southern District of Indiana, Indianapolis Division, and elsewhere, Defendants JAMES BRISCOE, aka “Muncie,” and DAMARUS PAGE did knowingly and intentionally use a communication facility in facilitating the commission of an act constituting a felony under the Controlled Substances Act, to wit: BRISCOE and PAGE communicated via cellular telephone and discussed the weight of the controlled substances that PAGE had delivered to BRISCOE, in violation of Title 21, United States Code, Section 841(a)(1).

All in violation of Title 21, United States Code, Section 843(b).

COUNT 13

[Unlawful Use of Communication Facility – 21 U.S.C. § 843(b)]

The Grand Jury further charges that:

On or about October 24, 2019, in the Southern District of Indiana, Indianapolis Division, and elsewhere, Defendants JAMES BRISCOE, aka “Muncie,” and DAMARUS PAGE did knowingly and intentionally use a communication facility in facilitating the commission of an act constituting a felony under the Controlled Substances Act, to wit: BRISCOE and PAGE communicated via cellular telephone and discussed BRISCOE traveling to Anderson, Indiana, to obtain controlled substances from PAGE, in violation of Title 21, United States Code, Section 841(a)(1).

All in violation of Title 21, United States Code, Section 843(b).

COUNT 14

[Unlawful Use of Communication Facility – 21 U.S.C. § 843(b)]

The Grand Jury further charges that:

On or about October 26, 2019, in the Southern District of Indiana, Indianapolis Division, and elsewhere, Defendants JAMES BRISCOE, aka “Muncie,” and CHRISTOPHER BAYS did knowingly and intentionally use a communication facility in facilitating the commission of an act constituting a felony under the Controlled Substances Act, to wit: BRISCOE and BAYS communicated via cellular telephone and discussed the best way to transport controlled substances and how BRISCOE would help BAYS make money from future drug transactions, in violation of Title 21, United States Code, Sections 841(a)(1) and 846.

All in violation of Title 21, United States Code, Section 843(b).

COUNT 15

[Unlawful Use of Communication Facility – 21 U.S.C. § 843(b)]

The Grand Jury further charges that:

On or about October 26, 2019, in the Southern District of Indiana, Indianapolis Division, and elsewhere, Defendants JAMES BRISCOE, aka “Muncie,” and JAMES BELL, aka “P-Bone,” did knowingly and intentionally use a communication facility in facilitating the commission of an act constituting a felony under the Controlled Substances Act, to wit: BRISCOE and BELL communicated via cellular telephone and discussed their distribution of approximately one pound of controlled substances to a third-party, in violation of Title 21, United States Code, Section 841(a)(1).

All in violation of Title 21, United States Code, Section 843(b).

COUNT 16

[Unlawful Use of Communication Facility – 21 U.S.C. § 843(b)]

The Grand Jury further charges that:

On or about November 16, 2019, in the Southern District of Indiana, Indianapolis Division, and elsewhere, Defendants JAMAR PUGH and JAMES BELL, aka “P-Bone,” did knowingly and intentionally use a communication facility in facilitating the commission of an act constituting a felony under the Controlled Substances Act, to wit: PUGH and BELL communicated via cellular telephone and discussed the shipment of a package containing controlled substances from California to Indiana, in violation of Title 21, United States Code, Section 841(a)(1).

All in violation of Title 21, United States Code, Section 843(b).

FORFEITURE

1. Pursuant to Federal Rule of Criminal Procedure 32.2, the United States hereby gives the defendants notice that the United States will seek forfeiture of property, criminally and/or civilly, pursuant to Title 18, United States Code, Section 924(d), Title 21, United States Code, Sections 853 and 881, and Title 28, United States Code, Section 2461(c), as part of any sentence imposed.

2. Pursuant to Title 18, United States Code, Section 924(d), if convicted of any of the offenses set forth in Counts 1 through 16 of this Superseding Indictment, the defendants shall forfeit to the United States “any firearm or ammunition involved in” the offense(s).

3. Pursuant to Title 21, United States Code, Section 853, if convicted of any of the offenses set forth in Counts 1 through 16 of the Superseding Indictment, the defendants shall forfeit to the United States any and all property constituting or derived from any proceeds the defendants obtained directly or indirectly as a result of the offense, and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the offense.

4. The property subject to forfeiture includes, but is not necessarily limited to, the following:

- a. A Hi-Point, model C9, 9mm pistol, serial number P1344887;
- b. A Mossberg, model 500A, 12 gauge shotgun, serial number T296352;
- c. A Micro Draco, 7.62 caliber pistol, serial number PMD0131614;
- d. A LLAMA, .45 caliber pistol, serial number A80653;
- e. An AK-style, short barrel rifle, seized on or about December 10, 2019, in Anderson, Indiana;

- f. A Glock, model 30S, .45 caliber pistol, serial number BLYU032;
- g. A SCCY, model CPX-2, 9mm pistol, serial number 805344;
- h. Approximately \$9,520 in U.S. Currency seized on or about November 18, 2019, in Muncie, Indiana;
- i. Approximately \$2,910 in U.S. Currency seized on or about December 10, 2019, in Anderson, Indiana; and,
- j. Approximately \$2,932 in U.S. Currency seized on or about December 10, 2019, in Brazil, Indiana.

5. The United States shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), and as incorporated by Title 28, United States Code, Section 2461(c), if any of the property described above in paragraph 4, as a result of any act or omission of the defendants:

- 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.

6. In addition, the United States may seek civil forfeiture of the property described above in paragraph 4 pursuant to Title 18, United States Code, Section 924(d), Title 21, United States Code, Section 881(a), and Title 28, United States Code, Section 2461(c).

A TRUE BILL:

  
FOREPERSON

JOSH J. MINKLER  
United States Attorney

By:

  
M. Kendra Klump  
Assistant United States Attorney