

SEALED

FILED

JUN 23 2020

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA

U.S. DISTRICT COURT-WVND
CLARKSBURG, WV 26301

UNITED STATES OF AMERICA,

v.

Criminal No. 1:20-CR-20

JOSEPH HERBERT "JOE" HOBBS,
STEVEN EDWARD DENKENBERGER,
JR.,
JAMES LEE AUDIA, II,
DAVID CHRISTOPHER MONROE
ASHLEY NICHOLE BENNETT, and
CHARLES CLINT GAINES, JR.,

Violations: 18 U.S.C. § 922(g)(1)
18 U.S.C. § 922(g)(9)
18 U.S.C. § 924(a)(2)
21 U.S.C. § 841(a)(1)
21 U.S.C. § 841(b)(1)(A)(viii)
21 U.S.C. § 841(b)(1)(B)(viii)
21 U.S.C. § 841(b)(1)(C)
21 U.S.C. § 846
21 U.S.C. § 856(a)(1) & (b)

Defendants.

SUPERSEDING INDICTMENT

The Grand Jury charges that:

COUNT ONE

(Conspiracy to Possess With the Intent to Distribute and Distribute Controlled Substances)

From on or about October 1, 2019, to on or about February 28, 2020, in Harrison, Marion, Monongalia, and Lewis Counties, in the Northern District of West Virginia, and elsewhere, defendants **JOSEPH HERBERT "JOE" HOBBS, STEVEN EDWARD DENKENBERGER, JR., JAMES LEE AUDIA, II, DAVID CHRISTOPHER MONROE, ASHLEY NICHOLE BENNETT, and CHARLES CLINT GAINES, JR,** did unlawfully, knowingly, and intentionally combine, conspire, confederate, agree and have a tacit understanding with each other and with other persons known and unknown to the Grand Jury to violate Title 21, United States Code, Section 841(a)(1). It was a purpose and object of the conspiracy to possess with intent to distribute

and distribute cocaine hydrochloride, a Schedule II controlled substance; fentanyl, a Schedule II controlled substance; heroin, a schedule I controlled substance, and; fifty (50) grams or more of methamphetamine, also known as “ice” and “crystal,” a Schedule II controlled substance; in violation of Title 21, United States Code, Sections 846, and 841(b)(1)(A)(viii).

COUNT TWO

(Possession with Intent to Distribute of Fifty Grams or More of Methamphetamine)

On or about October 16, 2019, in Harrison County, in the Northern District of West Virginia, defendant **STEVEN EDWARD DENKENBERGER, JR.**, did unlawfully, knowingly, intentionally, and without authority possess with the intent to distribute fifty (50) grams or more of methamphetamine, also known as “crystal” and “ice”, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A)(viii).

COUNT THREE

(Unlawful Possession of a Firearm)

On or about October 16, 2019, in Harrison County, in the Northern District of West Virginia, defendant **STEVEN EDWARD DENKENBERGER, JR.**, knowing that he had been convicted of a crime punishable by imprisonment for a term exceeding one year, that is Conspiracy to Commit First Degree Robbery and Malicious Assault, in the Circuit Court of Harrison County, West Virginia, in case number 05-F-7-2, on October 12, 2005, and; Delivery of a Controlled Substance in the Circuit Court of Harrison County, West Virginia, in case number 17-F-130-1, on June 23, 2017; did knowingly possess in and affecting interstate commerce firearms, that is a Taurus International Mfg., Inc., semi-automatic pistol, model G2C, 9mm caliber, serial number TMB33963, and a Harrington & Richardson, Inc., 6-shot top break revolver, model Second Model (Second Variation), .32 caliber, serial number 9934, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT FOUR

(Distribution of Five Grams or more of Methamphetamine)

On or about November 9, 2019, in Lewis County, in the Northern District of West Virginia, defendants **JOSEPH HERBERT “JOE” HOBBS** and **ASHLEY NICHOLE BENNETT**, did unlawfully, knowingly, intentionally, and without authority distribute five (5) grams or more of methamphetamine, also known as “crystal” and “ice”, a Schedule II controlled substance, in exchange for \$400.00 in United States currency, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(viii).

COUNT FIVE

(Distribution of Five Grams or more of Methamphetamine)

On or about November 13, 2019, in Harrison County, in the Northern District of West Virginia, defendant **JAMES LEE AUDIA, II**, did unlawfully, knowingly, intentionally, and without authority distribute five (5) grams or more of methamphetamine, also known as “crystal” and “ice”, a Schedule II controlled substance, in exchange for \$300.00 in United States currency, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(viii).

COUNT SIX

(Possession with Intent to Distribute of Fifty Grams or More of Methamphetamine)

On or about November 26, 2019, in Marion County, in the Northern District of West Virginia, defendant **STEVEN EDWARD DENKENBERGER, JR.**, did unlawfully, knowingly, intentionally, and without authority possess with the intent to distribute fifty (50) grams or more of methamphetamine, also known as “crystal” and “ice”, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A)(viii).

COUNT SEVEN

(Unlawful Possession of a Firearm)

On or about November 26, 2019, in Marion County, in the Northern District of West Virginia, defendant **STEVEN EDWARD DENKENBERGER, JR.**, knowing that he had been convicted of a crime punishable by imprisonment for a term exceeding one year, that is Conspiracy to Commit First Degree Robbery and Malicious Assault, in the Circuit Court of Harrison County, West Virginia, in case number 05-F-7-2, on October 12, 2005, and; Delivery of a Controlled Substance in the Circuit Court of Harrison County, West Virginia, in case number 17-F-130-1, on June 23, 2017; did knowingly possess in and affecting interstate commerce a firearm, that is an American Tactical (American Tactical Imports) semi-automatic pistol, model FXH 45, .45 caliber, serial number GI120726, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT EIGHT

(Possession with Intent to Distribute of Fifty Grams or More of Methamphetamine)

On or about December 21, 2019, in Harrison County, in the Northern District of West Virginia, defendant **STEVEN EDWARD DENKENBERGER, JR.**, did unlawfully, knowingly, intentionally, and without authority possess with the intent to distribute fifty (50) grams or more of methamphetamine, also known as “crystal” and “ice”, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A)(viii).

COUNT NINE

(Unlawful Possession of a Firearm)

On or about December 21, 2019, in Harrison County, in the Northern District of West Virginia, defendant **STEVEN EDWARD DENKENBERGER, JR.**, knowing that he had been convicted of a crime punishable by imprisonment for a term exceeding one year, that is Conspiracy to Commit First Degree Robbery and Malicious Assault, in the Circuit Court of Harrison County, West Virginia, in case number 05-F-7-2, on October 12, 2005, and; Delivery of a Controlled Substance in the Circuit Court of Harrison County, West Virginia, in case number 17-F-130-1, on June 23, 2017; did knowingly possess in and affecting interstate commerce firearms, that is a Taurus International Mfg., Inc., semi-automatic pistol, model G3, 9x19mm caliber, serial number AAL012610; a Taurus International Mfg., Inc., 5-shot revolver, model 445, .44 special caliber, serial number QA482610, and; a Radical Firearms LLC, semi-automatic rifle, model RF-15, multi-caliber, serial number 19-101194, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT TEN

(Possession with Intent to Distribute of Fifty Grams or More of Methamphetamine)

On or about December 30, 2019, in Harrison County, in the Northern District of West Virginia, defendant **DAVID CHRISTOPHER MONROE** did unlawfully, knowingly, intentionally, and without authority possess with the intent to distribute fifty (50) grams or more of methamphetamine, also known as “crystal” and “ice”, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A)(viii).

COUNT ELEVEN

(Possession with Intent to Distribute Fentanyl)

On or about December 30, 2019, in Harrison County, in the Northern District of West Virginia, defendant **DAVID CHRISTOPHER MONROE** did unlawfully, knowingly, intentionally, and without authority possess with the intent to distribute fentanyl, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT TWELVE

(Unlawful Possession of a Firearm)

On or about December 30, 2019, in Harrison County, in the Northern District of West Virginia, defendant **DAVID CHRISTOPHER MONROE**, knowing that he had been convicted of a crime punishable by imprisonment for a term exceeding one year, that is Transporting a Controlled Substance on the Grounds of North Central Regional Jail, in the Circuit Court of Doddridge County, West Virginia, in case number 07-F-21, on or about January 9, 2008; did knowingly possess in and affecting interstate commerce a firearm, that is a Taurus International MFG., Inc., semi-automatic pistol, model PT-709 Slim, 9mm caliber, serial number TJU63363, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT THIRTEEN

(Distribution of Five Grams or More of Methamphetamine)

On or about January 14, 2020, in Harrison County, in the Northern District of West Virginia, defendant **ASHLEY NICHOLE BENNETT**, did unlawfully, knowingly, intentionally, and without authority distribute five (5) grams or more of methamphetamine, also known as “crystal” and “ice”, a Schedule II controlled substance, in exchange for \$400.00 in United States currency, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(viii).

COUNT FOURTEEN

(Possession with Intent to Distribute of Fifty Grams or More of Methamphetamine)

On or about January 14, 2020, in Harrison County, in the Northern District of West Virginia, defendant **DAVID CHRISTOPHER MONROE** did unlawfully, knowingly, intentionally, and without authority possess with the intent to distribute fifty (50) grams or more of methamphetamine, also known as “crystal” and “ice”, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A)(viii).

COUNT FIFTEEN

(Unlawful Possession of a Firearm)

On or about January 14, 2020, in Harrison County, in the Northern District of West Virginia, defendant **DAVID CHRISTOPHER MONROE**, knowing that he had been convicted of a crime punishable by imprisonment for a term exceeding one year, that is Transporting a Controlled Substance on the Grounds of North Central Regional Jail, in the Circuit Court of Doddridge County, West Virginia, in case number 07-F-21, on or about January 9, 2008; did knowingly possess in and affecting interstate commerce a firearm, that is a Phoenix Arms semi-automatic pistol, model HP25, .25 caliber, serial number 4163760, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT SIXTEEN

(Distribution of Fifty Grams or more of Methamphetamine)

On or about January 23, 2020, in Harrison County, in the Northern District of West Virginia, defendant **JOSEPH HERBERT “JOE” HOBBS**, did unlawfully, knowingly, intentionally, and without authority distribute fifty (50) grams or more of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in exchange for \$5,000.00 in United States currency, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(viii).

COUNT SEVENTEEN

(Distribution of Fifty Grams or more of Methamphetamine)

On or about February 6, 2020, in Harrison County, in the Northern District of West Virginia, defendant **JOSEPH HERBERT “JOE” HOBBS**, did unlawfully, knowingly, intentionally, and without authority distribute fifty (50) grams or more of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in exchange for \$2,250.00 in United States currency, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(viii).

COUNT EIGHTEEN

(Distribution of Fifty Grams or more of Methamphetamine)

On or about February 18, 2020, in Harrison County, in the Northern District of West Virginia, defendant **JOSEPH HERBERT “JOE” HOBBS**, did unlawfully, knowingly, intentionally, and without authority distribute fifty (50) grams or more of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in exchange for \$5,000.00 in United States currency, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(viii).

COUNT NINETEEN

(Possession with Intent to Distribute Fifty grams or more of Methamphetamine)

On or about February 28, 2020, in Harrison County, in the Northern District of West Virginia, defendant **JOSEPH HERBERT “JOE” HOBBS**, did unlawfully, knowingly, intentionally, and without authority, possess with intent to distribute fifty (50) grams or more methamphetamine, also known as “crystal” and “ice”, a Schedule II controlled substance; in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A)(viii).

COUNT TWENTY

(Possession with Intent to Distribute Fentanyl)

On or about February 28, 2020, in Harrison County, in the Northern District of West Virginia, defendant **JOSEPH HERBERT “JOE” HOBBS** did unlawfully, knowingly, intentionally, and without authority possess with the intent to distribute fentanyl, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT TWENTY-ONE

(Possession with Intent to Distribute Cocaine)

On or about February 28, 2020, in Harrison County, in the Northern District of West Virginia, defendant **JOSEPH HERBERT “JOE” HOBBS** did unlawfully, knowingly, intentionally, and without authority possess with the intent to distribute cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT TWENTY-TWO

(Possession with Intent to Distribute Heroin)

On or about February 28, 2020, in Harrison County, in the Northern District of West Virginia, defendant **JOSEPH HERBERT “JOE” HOBBS** did unlawfully, knowingly, intentionally, and without authority possess with the intent to distribute heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT TWENTY-THREE

(Unlawful Possession of a Firearm)

On or about February 28, 2020, in Harrison County, in the Northern District of West Virginia, defendant **JOSEPH HERBERT “JOE” HOBBS**, knowing that he had been convicted of a misdemeanor crime of domestic violence, that is Domestic Battery, in the Magistrate Court of Upshur County, West Virginia, in case number 04-M-1069, on February 15, 2005; did knowingly possess in and affecting interstate commerce a firearm, that is a Glock semi-automatic pistol, model 17 GEN 5, 9mm caliber, serial number BHSL770, in violation of Title 18, United States Code, Sections 922(g)(9) and 924(a)(2).

COUNT TWENTY-FOUR

(Maintaining Drug-Involved Premises)

From on or about November 19, 2019, and continuing until February 28, 2020 in Harrison County, in the Northern District of West Virginia, defendants **JOSEPH HERBERT “JOE” HOBBS** and **ASHLEY NICHOLE BENNETT** did knowingly open, lease, rent, use, or maintain a residence located at 40 Sunny Glen Lane, Salem, West Virginia, whether permanently or temporarily, for the purpose of manufacturing, distributing, and using any controlled substance, that is methamphetamine, a Schedule II controlled substance; in violation of Title 21, United States Code, Sections 856(a)(1) and 856(b).

COUNT TWENTY-FIVE

(Maintaining Drug-Involved Premises)

From on or about February 6, 2020, and continuing until February 28, 2020, in Harrison County, in the Northern District of West Virginia, defendant **JAMES LEE AUDIA, II**, did knowingly open, lease, rent, use, or maintain a residence located at 314 Chicken Farm Road, Reynoldsville, West Virginia, whether permanently or temporarily, for the purpose of manufacturing, distributing, and using any controlled substance, that is methamphetamine, a Schedule II controlled substance; in violation of Title 21, United States Code, Sections 856(a)(1) and 856(b).

COUNT TWENTY-SIX

(Possession with Intent to Distribute Fentanyl)

On or about February 28, 2020, in Monongalia County, in the Northern District of West Virginia, defendant **CHARLES CLINT GAINES, JR.**, did unlawfully, knowingly, intentionally, and without authority possess with the intent to distribute fentanyl, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT TWENTY-SEVEN

(Possession with Intent to Distribute Cocaine)

On or about February 28, 2020, in Monongalia County, in the Northern District of West Virginia, defendant **CHARLES CLINT GAINES, JR.**, did unlawfully, knowingly, intentionally, and without authority possess with the intent to distribute cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT TWENTY-EIGHT

(Maintaining Drug-Involved Premises)

From on or about February 9, 2020, and continuing until February 28, 2020, in Monongalia County, in the Northern District of West Virginia, defendant **CHARLES CLINT GAINES, JR.**, did knowingly open, lease, rent, use, or maintain a residence located at 1341 Bitonti Street, Apt. B, Star City, West Virginia, whether permanently or temporarily, for the purpose of manufacturing, distributing, and using any controlled substance, that is fentanyl and cocaine, Schedule II controlled substances; in violation of Title 21, United States Code, Sections 856(a)(1) and 856(b).

FORFEITURE ALLEGATION

Controlled Substance Act

Gun Control Act

1. Pursuant to Title 21, United States Code, Section 853 and Title 21, United States Code, Section 841(a)(1), the government will seek the forfeiture of property as part of the sentence imposed in this case; that is, the forfeiture of any property used, or intended to be used, to commit or to facilitate the commission of the above referenced offense, and any property constituting, or derived from, proceeds obtained directly or indirectly, as a result of such offense.

2. Pursuant to Title 18, United States Code, Section 924(d), Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Sections 922(g)(1) and (g)(8), the government will seek the forfeiture of any firearm and any ammunition involved in the knowing commission of such offense.

3. Pursuant to Title 28, United States Code, Section 2461(c), the government will seek forfeiture of substitute property up to the value of property subject to direct forfeiture that is not available for forfeiture on account of any act or omission contemplated by Title 21, United States Code, Section 853(p)(1).

A true bill,

/s/ _____
Foreperson

/s/ _____
WILLIAM J. POWELL
United States Attorney

Brandon S. Flower
Assistant United States Attorney