

IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF TEXAS  
 DALLAS DIVISION

UNITED STATES OF AMERICA

§  
§  
§  
§  
§  
§  
§

v.

No. 3:08-CR-051-L  
**Supersedes indictment returned  
 on February 20, 2008**

JAMES MCDANIEL

INDICTMENT

The Grand Jury Charges:

Count One

Maintaining a Drug-Involved Premises  
 (21 U.S.C. §§ 856(a)(2) and 856(b))

Beginning on or about January 1, 2005, and continuing until December 12, 2006, in the Dallas Division of the Northern District of Texas, the defendant, **James McDaniel**, did manage and control a place, namely: Mockingbird Station Lofts, 5331 East Mockingbird Lane, Apartment # 242, Dallas, Texas, as an occupant, and did knowingly and intentionally make said place available for the purpose of unlawfully storing, distributing, and using a controlled substance, namely, cocaine, a Schedule II controlled substance.

In violation of 21 U.S.C. §§ 856(a)(2) and 856(b).

Count Two

Possession of a Firearm in Furtherance of a Drug Trafficking Crime  
(Violation of 18 U.S.C. § 924(c)(1)(A))

Beginning on or about January 1, 2005, and continuing until December 12, 2006, in the Dallas Division of the Northern District of Texas, the defendant, **James McDaniel**, did knowingly possess a firearm in furtherance of the commission of a drug trafficking crime for which the defendant may be prosecuted in a court of the United States, that is, maintaining a drug-involved premises, as alleged in Count One of the indictment.

In violation of 18 U.S.C. § 924(c)(1)(A).

Count Three

Possession with Intent to Distribute and Distribution of a Controlled Substance  
(Violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C))

Beginning on or about January 1, 2005, and continuing until May 9, 2007, in the Dallas Division of the Northern District of Texas, defendant, **James McDaniel**, did knowingly and intentionally possess with intent to distribute and distribute cocaine, a Schedule II controlled substance.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C).

Count Four

Possession of a Firearm in Furtherance of a Drug Trafficking Crime  
(Violation of 18 U.S.C. § 924(c)(1)(A) and (c)(1)(C)(i))

Beginning on or about December 13, 2006, and continuing until May 17, 2007, in the Dallas Division of the Northern District of Texas, the defendant, **James McDaniel**, did knowingly possess a firearm, to wit: a shotgun, in furtherance of the commission of a drug trafficking crime for which the defendant may be prosecuted in a court of the United States, that is, possession of a controlled substance with intent to distribute, as alleged in Count 3 of the indictment.

In violation of 18 U.S.C. §§ 924(c)(1)(A) and (c)(1)(C)(i).

Count Five

Possession with Intent to Distribute and Distribution of a Controlled Substance Resulting  
in Death

(Violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C))

On or about May 10, 2007, in the Dallas Division of the Northern District of Texas and elsewhere, the defendant, **James McDaniel**, did knowingly and intentionally possess with intent to distribute and distribute controlled substances containing a detectable amount of cocaine, methamphetamine, and oxycodone, all Schedule II controlled substances, that resulted in the death of an individual, Meaghan Bosch, from the use of such substances.

All in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C).

Count Six

Felon in Possession of a Firearm  
(Violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2))

On or about May 17, 2007, in the Dallas Division of the Northern District of Texas, the defendant, **James McDaniel**, having been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly and unlawfully possess in and affecting interstate and foreign commerce a firearm, to wit: (1) a Smith and Wesson, .38 caliber revolver, model Special CTG, bearing serial number S934770; (2) a New Haven, .410 gauge shotgun, model 283TA, bearing no serial number; (3) a Remington, .22 caliber rifle, model 550, bearing no serial number; (4) a Savage Arms, 16 gauge shotgun, model 775, bearing serial number 153713; (5) a Plainfield, .30 caliber rifle, model M1 Carbine, bearing serial number 23797; (6) a Springfield Savage, .410 gauge shotgun, model 67F, bearing no serial number; and (7) a Ravens Arms, .25 caliber handgun, model MP-25, bearing serial number 1609361.

In violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

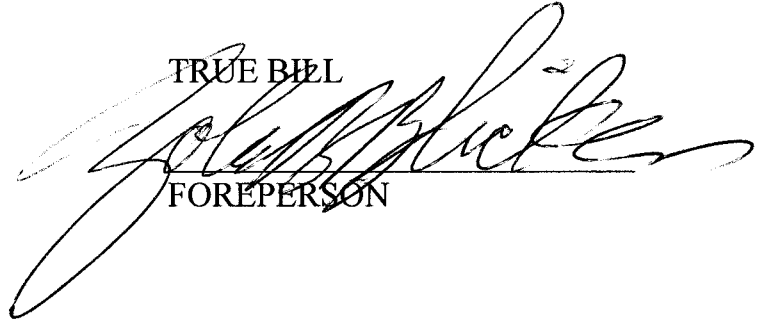
Count Seven  
Forfeiture Allegation  
(21 U.S.C. § 853(a))

Upon conviction for the offenses alleged in Counts One, Two, Three, Four, and Six of this Indictment and pursuant to 21 U.S.C. § 853(a), defendant, **James McDaniel**, shall forfeit to the United States of America any property constituting or derived from proceeds obtained, directly or indirectly, as a result of the respective offense and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the respective offense, including but not limited to the following:

1. Smith and Wesson, .38 caliber revolver, model Special CTG, bearing serial number S934770
2. a Springfield Savage, .410 gauge shotgun, model 67F, bearing no serial number
3. New Haven, .410 gauge shotgun, model 283TA, bearing no serial number
4. Remington, .22 caliber rifle, model 550, bearing no serial number
5. Savage Arms, 16 gauge shotgun, model 775, bearing serial number 153713
6. Plainfield, .30 caliber rifle, model M1 Carbine, bearing serial number 23797
7. Ravens Arms, .25 caliber handgun, model MP-25, bearing serial number 1609361

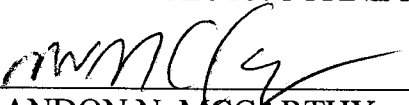
In violation of 21 U.S.C. § 853(a).

TRUE BILL

A large, stylized handwritten signature in black ink, appearing to read 'R. B. Roper', is written over the words 'TRUE BILL' and 'FOREPERSON'.

FOREPERSON

RICHARD B. ROPER  
UNITED STATES ATTORNEY

A handwritten signature in black ink, appearing to read 'B. N. McCarthy', is written over a horizontal line.

BRANDON N. MCCARTHY

Assistant United States Attorney  
Texas Bar No. 24027486  
1100 Commerce Street, Third Floor  
Dallas, Texas 75242-1699  
Tel: 214.659.8600  
Fax: 214.767.4100

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS**

**ORIGINAL**

**Related Case Information**

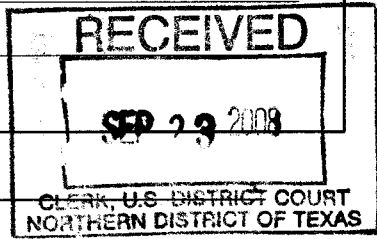
Superseding Indictment:  Yes  No    New Defendant:  Yes  No

Pending CR Case in NDTX:  Yes  No    If Yes, number: 3:08-CR-051-L

Search Warrant Case Number \_\_\_\_\_

R 20 from District of \_\_\_\_\_

Magistrate Case Number: \_\_\_\_\_



**1. Defendant Information**

Juvenile:  Yes  No

If Yes, Matter to be sealed:

Yes  No

Defendant Name

JAMES McDANIEL

Alias Name

Address

County in which offense was committed: Dallas

**2. U.S. Attorney Information**

AUSA BRANDON N. MCCARTHY

Texas Bar No. 24027486

**3. Interpreter**

Yes  No

If Yes, list language and/or dialect: \_\_\_\_\_

**4. Location Status FEDERAL CUSTODY**

Arrest Date - April 25, 2008

Already in Federal Custody

Already in State Custody

On Pretrial Release

**5. U.S.C. Citations**

Total # of Counts as to This Defendant: 7

Petty

Misdemeanor

Felony

**Citation**

**Description of Offense Charged**

**Count(s)**

21 U.S.C. §§ 856(a)(2) and 856(b)

Maintaining Drug-Involved Premises

1

18 U.S.C. § 924(c)(1)(A)

Possession of a Firearm in Furtherance of a Drug Trafficking Crime

2

21 U.S.C. § 841(a)(1) and (b)(1)(C)


Possession with Intent to Distribute and Distribution of a Controlled Substance

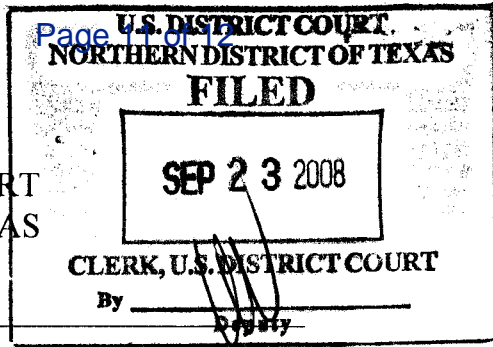
3

21 U.S.C. §§ 841(1) and (b)(1)(C)	Possession with Intent to Distribute and Distribution of a Controlled Substance Resulting in Death	5
18 U.S.C. §§ 922(g)(1) and 924(a)(2)	Felon in Possession of a Firearm	6
21 U.S.C. § 853(a)	Forfeiture Allegation	7

Date September 22, 2008

Signature of AUSA:

  
BRANDON N. MCCARTHY



IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

THE UNITED STATES OF AMERICA

v.

JAMES McDANIEL

3:08-cr-051-L

SUPERSEDING INDICTMENT

Maintaining Drug-Involved Premises  
21 U.S.C. §§ 856(a)(2) and 856(b)

Possession of a Firearm in Furtherance of a Drug Trafficking Crime  
18 U.S.C. § 924(c)(1)(A)

Possession with Intent to Distribute and Distribution of a Controlled Substance  
21 U.S.C. §§ 841(a)(1) and (b)(1)(C)

Possession of a Firearm in Furtherance of a Drug Trafficking Crime  
18 U.S.C. §§ 924(c)(1)(A) and (c)(1)(C)(i)

Possession with Intent to Distribute and Distribution  
of a Controlled Substance Resulting in Death  
21 U.S.C. §§ 841(a)(1) and (b)(1)(C)

18 U.S.C. §§ 922(g)(1) and 924(a)(2)  
Felon in Possession of a Firearm

21 U.S.C. § 853(a)  
Forfeiture Allegation

7 Counts

A true bill rendered

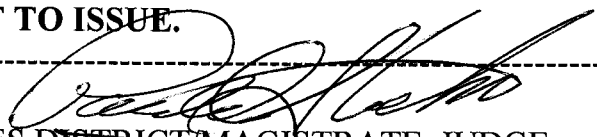
DALLAS

FOREPERSON

Filed in open court this 23 day of September, A.D., 2008.

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Clerk

**NO WARRANT TO ISSUE.**

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UNITED STATES DISTRICT/MAGISTRATE JUDGE

Criminal Cause Number Pending: 03:08-CR-051-L