

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**INDICTMENT FOR BANK ROBBERY
AND VIOLATION OF THE FEDERAL GUN CONTROL ACT**

UNITED STATES OF AMERICA

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CRIMINAL DOCKET NO.

v.

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SECTION:

**MARK JOHNSON
ANOTCHE WIX**

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**VIOLATIONS: 18 U.S.C. § 2113 (a)(d)
18 U.S.C. § 924 (c)
18 U.S.C. § 2
18 U.S.C. § 922(g)(1)**

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The Grand Jury charges that:

COUNT ONE

On or about February 14, 2008, in the Eastern District of Louisiana, the defendants, **MARK JOHNSON and ANOTCHE WIX** by force, violence, and intimidation, did take and attempt to take from the person and presence of another, United States currency belonging to and in the care, custody, control, management and possession of First Bank And Trust, 4550 General DeGaulle Drive,

New Orleans, Louisiana, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and in committing such offense, the defendants, **MARK JOHNSON and ANOTCHE WIX**, did assault and put in jeopardy the life of another person by the use of a dangerous weapon, that is a firearm, in violation of Title 18, United States Code, Sections 2113(a), 2113(d), and 2.

COUNT TWO

On or about February 14, 2008, in the Eastern District of Louisiana, the defendants **MARK JOHNSON and ANOTCHE WIX**, knowingly brandished a firearm, to wit: one IAC Billerica, 7.62 X 39 rifle, bearing serial number 1404469H, in furtherance of a crime of violence for which they may be punished in a court of the United States, to wit: attempted bank robbery as charged in Count One of this Indictment, in violation of Title 18, United States Code, Section 2113(a) and (d); all in violation of Title 18, United States Code, Sections 924(c) and 2.

COUNT THREE

On or about February 14, 2008, in the Eastern District of Louisiana, the defendant, **MARK JOHNSON**, having been convicted of a crime punishable by imprisonment for a term exceeding one year, to wit: a conviction on July 20, 2006, in the Criminal District Court for the Parish of Orleans, Case Number 464-755 "D" for Attempted Possession of Heroin, in violation of Louisiana Revised Statutes 40: (979) 966 (C)(1), did knowingly possess in and affecting commerce, a firearm, to wit: one IAC Billerica, 7.62 X 39 rifle, bearing serial number 1404469H; all in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

NOTICE OF FORFEITURE

1. The allegations of Counts Two and Three of this Indictment are realleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 18, United States Code, Section 924(d)(1), Title 28, United States Code, Section 2461(c).

2. As a result of the offenses alleged in Counts Two and Three, defendants, **MARK JOHNSON** and **ANOTCHE WIX**, shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d)(1), Title 28 United States Code, Section 2461(c) any firearm or ammunition, which was involved in or used in knowing violations of Title 18, United States Code, Sections 2113 and 924(c), as alleged in Counts Two and Three of this Indictment:

a. one IAC Billerica 7.62 X 39 rifle bearing serial number 1404469H .

3. If any of the property subject to forfeiture pursuant to Paragraph 2 of this Notice of 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 the above forfeitable property.

All in violation of Title 18, United States Code, Sections 2113 and 924(d)(1) and Title
21, United States Code, Section 853.

A TRUE BILL:

FOREPERSON

JIM LETTEN, # 8517
United States Attorney

JAN MASELLI MANN, # 9020
First Assistant United States Attorney

BRIAN J. CAPITELLI, # 27398
Assistant United States Attorney

New Orleans, Louisiana
March 17, 2008