

FILED
VANESSA L. ARMSTRONG, CLERK

NOV 15 2018

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

U.S. DISTRICT COURT
WESTN. DIST. KENTUCKY

UNITED STATES OF AMERICA

INDICTMENT

v.

NO. 3:18-CR-188-CHB

GREGORY A. BUSH

18 U.S.C. § 249(a)(1)(B)

18 U.S.C. § 924(c)(1)(A)

18 U.S.C. § 924(c)(1)(C)

18 U.S.C. § 924(d)

18 U.S.C. § 924(j)(1)

28 U.S.C. § 2461(c)

The Grand Jury charges:

COUNT 1

(Hate Crime Resulting in Death)

On or about October 24, 2018, in Jefferson County, in the Western District of Kentucky, the defendant, **GREGORY A. BUSH**, willfully caused bodily injury to M.S., by shooting M.S. multiple times in the head and body, because of M.S.'s actual and perceived race and color. The offense resulted in the death of M.S.

In violation of Title 18, United States Code, Section 249(a)(1)(B).

The Grand Jury further charges:

COUNT 2

(Use and Discharge of a Firearm to Commit Murder During and in Relation to a Crime of Violence)

On or about October 24, 2018, in Jefferson County, in the Western District of Kentucky, the defendant, **GREGORY A. BUSH**, knowingly used and discharged a firearm, to wit, a Smith

& Wesson, model 411, .40-caliber pistol with serial number VDB3707, during and in relation to a crime of violence for which the defendant may be prosecuted in a court of the United States, that is, the violation of § 249(a)(1) charged in Count One of this Indictment. The defendant, **GREGORY A. BUSH**, through the course of that offense, caused the death of M.S. through the use of a firearm in such a manner as to constitute murder as defined in 18 U.S.C. § 1111(a), in that the defendant unlawfully shot and killed M.S. with malice aforethought.

In violation of Title 18, United States Code, Sections 924(c)(1)(A), (c)(1)(C), and (j)(1).

The Grand Jury further charges:

COUNT 3
(Hate Crime Resulting in Death)

On or about October 24, 2018, in Jefferson County, in the Western District of Kentucky, the defendant, **GREGORY A. BUSH**, willfully caused bodily injury to V.J., by shooting V.J. multiple times in the head and body, because of V.J.'s actual and perceived race and color. The offense resulted in the death of V.J.

In violation of Title 18, United States Code, Section 249(a)(1)(B).

The Grand Jury further charges:

COUNT 4
(Use and Discharge of a Firearm to Commit Murder During and in Relation to a Crime of Violence)

On or about October 24, 2018, in Jefferson County, in the Western District of Kentucky, the defendant, **GREGORY A. BUSH**, knowingly used and discharged a firearm, to wit, a Smith & Wesson, model 411, .40-caliber pistol with serial number VDB3707, during and in relation to a crime of violence for which the defendant may be prosecuted in a court of the United States, that is, the violation of § 249(a)(1) charged in Count Three of this Indictment. The defendant,

GREGORY A. BUSH, through the course of that offense, caused the death of V.J. through the use of a firearm in such a manner as to constitute murder as defined in 18 U.S.C. § 1111(a), in that the defendant unlawfully shot and killed V.J. with malice aforethought.

In violation of Title 18, United States Code, Sections 924(c)(1)(A), (c)(1)(C), and (j)(1).

The Grand Jury further charges:

COUNT 5

(Hate Crime with Attempt to Kill)

On or about October 24, 2018, in Jefferson County, in the Western District of Kentucky, the defendant, **GREGORY A. BUSH**, willfully attempted to cause bodily injury to D.R. through the use of a firearm, by shooting at D.R. with a firearm (a Smith & Wesson, model 411, .40-caliber pistol with serial number VDB3707), because of D.R.'s actual and perceived race and color. The offense involved an attempt to kill D.R.

In violation of Title 18, United States Code, Section 249(a)(1)(B).

The Grand Jury further charges:

COUNT 6

(Use and Discharge of a Firearm During and in Relation to a Crime of Violence)

On or about October 24, 2018, in Jefferson County, in the Western District of Kentucky, the defendant, **GREGORY A. BUSH**, knowingly used and discharged a firearm, to wit, a Smith & Wesson, model 411, .40-caliber pistol with serial number VDB3707, during and in relation to a crime of violence for which the defendant may be prosecuted in a court of the United States, that is, the violation of § 249(a)(1) charged in Count Five of this Indictment.

In violation of Title 18, United States Code, Section 924(c)(1)(A) and (c)(1)(C).

NOTICE OF SPECIAL FINDINGS PURSUANT TO
TITLE 18, UNITED STATES CODE, SECTIONS 3591 AND 3592

The Grand Jury further finds:

As to Counts Two and Four, the defendant, **GREGORY A. BUSH**,

- a. was 18 years of age or older at the time of the offenses;
- b. intentionally killed M.S. and V.J. (18 U.S.C. § 3591(a)(2)(A));
- c. intentionally inflicted serious bodily injury that resulted in the deaths of M.S. and V.J. (18 U.S.C. § 3591(a)(2)(B));
- d. intentionally participated in an act, contemplating that the life of a person would be taken and intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and M.S. and V.J. died as a direct result of the act (18 U.S.C. § 3591(a)(2)(C));
- e. intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life, and M.S. and V.J. died as a direct result of the act (18 U.S.C. § 3591(a)(2)(D));
- f. in committing the offenses charged in Counts Two and Four, and in attempting to escape apprehension for those offenses, knowingly created a grave risk of death to one or more persons in addition to the victims of the offenses (18 U.S.C. § 3592(c)(5));
- g. committed the offenses charged in Counts Two and Four after substantial planning and premeditation to cause the death of a person (18 U.S.C. § 3592(c)(9)); and

h. in committing the offenses charged in Counts Two and Four, intentionally killed more than one person in a single criminal episode (18 U.S.C. § 3592(c)(16)).

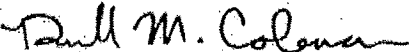
FORFEITURE NOTICE

If convicted of any violation of Title 18, United States Code, Sections 924(c) or 924(j), as charged in Counts Two, Four, and Six of this Indictment, the defendant, **GREGORY A. BUSH**, shall forfeit to the United States the following firearm that was involved and used in the knowing commission of those offenses and is subject to forfeiture pursuant to Title 18, United States Code, Section 924(d), and Title 28, United States Code, Section 2461(c): a Smith & Wesson, model 411, .40-caliber pistol with serial number VDB3707.


A TRUE BILL.



FOREPERSON


RUSSELL M. COLEMAN
UNITED STATES ATTORNEY

ERIC S. DREIBAND
ASSISTANT ATTORNEY GENERAL


By: Christopher J. Perras
Trial Attorney, Civil Rights Division

UNITED STATES OF AMERICA v. GREGORY A. BUSH

PENALTIES

Counts 1, 3, and 5 (each count): NM life imprisonment/\$250,000/NM 5 yrs. Supervised Release
Counts 2 and 4 (each count): NM life imprisonment or the death penalty/mandatory minimum 10 years of imprisonment upon finding of discharge/mandatory minimum of 25 years for a second 924 conviction/\$250,000/NM 5 yrs. Supervised Release
Count 6: NM life imprisonment/mandatory minimum 10 years of imprisonment upon finding of discharge/mandatory minimum of 25 years for a second 924 conviction/\$250,000/NM 5 yrs. Supervised Release
Notice of Forfeiture

NOTICE

ANY PERSON CONVICTED OF AN OFFENSE AGAINST THE UNITED STATES SHALL BE SUBJECT TO SPECIAL ASSESSMENTS, FINES, RESTITUTION & COSTS.

SPECIAL ASSESSMENTS

18 U.S.C. § 3013 requires that a special assessment shall be imposed for each count of a conviction of offenses committed after November 11, 1984, as follows:

Misdemeanor:	\$ 25 per count/individual	Felony:	\$100 per count/individual
	\$125 per count/other		\$400 per count/other

FINES

In addition to any of the above assessments, you may also be sentenced to pay a fine. Such fine is due immediately unless the court issues an order requiring payment by a date certain or sets out an installment schedule. You shall provide the United States Attorney's Office with a current mailing address for the entire period that any part of the fine remains unpaid, or you may be held in contempt of court. 18 U.S.C. § 3571, 3572, 3611, 3612

Failure to pay fine as ordered may subject you to the following:

1. INTEREST and PENALTIES as applicable by law according to last date of offense.

For offenses occurring after December 12, 1987:

No INTEREST will accrue on fines under \$2,500.00.

INTEREST will accrue according to the Federal Civil Post-Judgment Interest Rate in effect at the time of sentencing. This rate changes monthly. Interest accrues from the first business day following the two week period after the date a fine is imposed.

PENALTIES of:

10% of fine balance if payment more than 30 days late.

15% of fine balance if payment more than 90 days late.

2. Recordation of a LIEN shall have the same force and effect as a tax lien.
3. Continuous GARNISHMENT may apply until your fine is paid.

18 U.S.C. §§ 3612, 3613

If you **WILLFULLY** refuse to pay your fine, you shall be subject to an **ADDITIONAL FINE** of not more than the greater of \$10,000 or twice the unpaid balance of the fine; or **IMPRISONMENT** for not more than 1 year or both. 18 U.S.C. § 3615

RESTITUTION

If you are convicted of an offense under Title 18, U.S.C., or under certain air piracy offenses, you may also be ordered to make restitution to any victim of the offense, in addition to, or in lieu of any other penalty authorized by law. 18 U.S.C. § 3663

APPEAL

If you appeal your conviction and the sentence to pay your fine is stayed pending appeal, the court shall require:

1. That you deposit the entire fine amount (or the amount due under an installment schedule during the time of your appeal) in an escrow account with the U.S. District Court Clerk, or
2. Give bond for payment thereof.

18 U.S.C. § 3572(g)

PAYMENTS

If you are ordered to make payments to the U.S. District Court Clerk's Office, certified checks or money orders should be made payable to the Clerk, U.S. District Court and delivered to the appropriate division office listed below:

LOUISVILLE: Clerk, U.S. District Court
106 Gene Snyder U.S. Courthouse
601 West Broadway
Louisville, KY 40202
502/625-3500

BOWLING GREEN: Clerk, U.S. District Court
120 Federal Building
241 East Main Street
Bowling Green, KY 42101
270/393-2500

OWENSBORO: Clerk, U.S. District Court
126 Federal Building
423 Frederica
Owensboro, KY 42301
270/689-4400

PADUCAH: Clerk, U.S. District Court
127 Federal Building
501 Broadway
Paducah, KY 42001
270/415-6400

If the court finds that you have the present ability to pay, an order may direct imprisonment until payment is made.

FORM DBD-34
JUN.85

No.

UNITED STATES DISTRICT COURT
Western District of Kentucky
At Louisville

THE UNITED STATES OF AMERICA

vs.

GREGORY A. BUSH

INDICTMENT

COUNTS 1 and 3

Hate Crime Resulting in Death
18 U.S.C. §249(a)(1)(B)

COUNTS 2 and 4

Use and Discharge of a Firearm to Commit Murder
During and in Relation to a Crime of Violence
18 U.S.C. §§924(c)(1)(A), (c)(1)(C), and (j)(1)

COUNT 5

Hate Crime with Attempt to Kill
18 U.S.C. §249(a)(1)(B)

COUNT 6

Use and Discharge of a Firearm During and in
Relation to a Crime of Violence
18 U.S.C. §§924(c)(1)(A) and (c)(1)(C)

NOTICE OF SPECIAL FINDINGS PURSUANT TO
18 U.S.C. §§3591 and 3592

Forfeiture

A true bill



Foreperson

Filed in open court this 15th day of November, 2018.

FILED
VANESSA L. ARMSTRONG, CLERK

NOV 15 2018

Clerk

Bail, \$

**U.S. DISTRICT COURT
WESTN. DIST. KENTUCKY**
