

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS
(KANSAS CITY DOCKET)

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 10-20029-01-CM/JPO
)	
KENNETH G. LAIN, JR.,)	
)	
Defendant.)	

SUPERSEDING INDICTMENT

The Grand Jury charges that:

COUNT 1

Between on or about July 1, 2009, and on or about October 1, 2009, both dates being approximate and inclusive, in the District of Kansas, the defendant,

KENNETH G. LAIN, JR.,

not being a licensed importer, manufacturer, dealer, and collector of firearms, within the meaning of Chapter 44, in Title 18, United States Code, did willfully transfer, give, transport, and deliver a firearm, that is, a .38 caliber Smith & Wesson revolver, Air Weight Model, serial number C472684, to Carroll Hill, said person not being a licensed importer, manufacturer, dealer, and collector of firearms, within the meaning of Chapter 44, in Title 18, United States Code, and knowing and with reasonable cause to believe that said person was not then residing in the State of Missouri, the State in which the defendant was residing at the time of the aforesaid transfer, giving, transportation, and delivery of the firearm, in violation of Title 18, United States Code, Sections 922(a)(5) and 924(a)(1)(D).

COUNT 2

Between on or about July 1, 2009, and on or about October 1, 2009, both dates being approximate and inclusive, in the District of Kansas and elsewhere, the defendant,

KENNETH G. LAIN, JR.,

unlawfully shipped and transported in interstate and foreign commerce and received a firearm, namely a .38 caliber Smith & Wesson revolver, Air Weight Model, serial number C472684, which had been shipped and transported in interstate and foreign commerce, and while he was under indictment for a crime punishable by imprisonment for a term exceeding one year, that is Possession of a Stolen Firearm, in United States District Court for the Western District of Missouri, case number 08-00172-01-DR-W-SOW, in violation of Title 18, United States Code, Sections 922(n) and 924(a)(2).

FORFEITURE ALLEGATION

1. The allegations contained in Counts 1 and 2 of the Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c).

2. Upon conviction of the offenses identified in Counts 1 and 2, the defendant,

KENNETH G. LAIN, JR.,

shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), any firearms and ammunition involved or used in the knowing and willful commission of the offense and intended to be used in the offense, including, but not limited to a .38 caliber Smith & Wesson revolver, Air Weight

Model, serial number C472684.

A TRUE BILL.

DATED: April 22, 2010

s/ Foreperson
FOREPERSON OF THE GRAND JURY

s/ Terra D. Morehead #12759
LANNY D. WELCH, Ks. S. Ct. No. 13267
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(It is requested that trial of the above captioned case be held in Kansas City, Kansas.)

PENALTIES:

Counts 1 & 2:

- NMT 5 years Imprisonment;
- NMT \$250,000.00 Fine;
- NMT 3 years S.R.;
- \$100 Special Assessment; and,
- Forfeiture Allegation.