

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION  
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UNITED STATES OF AMERICA,

Plaintiff,

vs.

BENJAMIN JAMES CANCE,

Defendant.

INDICTMENT

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The grand jury charges:

COUNT 1  
(Illegal Arms Shipments)

Between in or about October, 2012 and April, 2015, in the Southern Division of the Western District of Michigan and elsewhere,

BENJAMIN JAMES CANCE

knowingly and willfully exported from the United States items that were designated in the United States Munitions List as defense articles of the United States, without first obtaining a license or written authorization for such exports from the United States Department of State, Directorate of Defense Trade Controls.

**22 U.S.C. § 2778(b)(2) and (c)**

**COUNT 2**  
(Money Laundering)

On or about January 2, 2013, in the Southern Division of the Western District of Michigan,

BENJAMIN JAMES CANCE

did knowingly engage in a monetary transaction by, through and to financial institutions, affecting interstate commerce, in criminally-derived property of a value greater than \$10,000, said property having been derived from specified unlawful activity, namely unregistered arms exportation in violation of Title 22, United States Code, Section 2778 as alleged in Count 1 of this Indictment, incorporated here by reference. Specifically, the defendant transferred the sum of \$14,905 from Ally Bank account 2127937551 to EH Pooled Investments in order to purchase real estate located at 562 Ely, Allegan, Michigan 49010. The funds involved in this transaction were derived from profits CANCE made as a result of unlicensed weapons parts sales to international purchasers.

**18 U.S.C. § 1957**

**18 U.S.C. § 1956(c)(7)(B)(v)(I)**

**COUNT 3**

(Possession of an Unregistered Machinegun)

On or about April 24, 2015, in the Southern Division of the Western District of Michigan and elsewhere,

BENJAMIN JAMES CANCE

did knowingly possess a machinegun not registered to him in the National Firearms Registration and Transfer Record.

**26 U.S.C. § 5861(d)**

**26 U.S.C. § 5845(a)(6)**

**26 U.S.C. § 5871**

**FORFEITURE ALLEGATION**  
(Illegal Arms Shipments)

The allegations contained in Count 1 of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeitures pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c).

Pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), upon conviction of the violation of 22 U.S.C. § 2778(b)(2) and (c) set forth in Count 1 of this Indictment, the defendant,

BENJAMIN JAMES CANCE,

shall forfeit to the United States of America any property, real or personal, which constitutes or is derived from proceeds traceable to the offense. The property to be forfeited includes, but is not limited to, the following:

1. UNITED STATES CURRENCY:
  - a. Approximately \$14,437.73 seized on or about April 24, 2015 from TD Ameritrade Account number XXXXX3228 in the name of Benjamin J. Cance.
  - b. Approximately \$26,776.84 seized on or about April 24, 2015 from Pentagon Federal Credit Union number XXX6224 in the name of Benjamin J. Cance.
2. SUBSTITUTE ASSETS: If any of the property described above, 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 party;

- 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 divided

without difficulty the United States of America shall be entitled to the forfeiture of substitute property pursuant to 21 U.S.C. § 853(p), as incorporated by 28 U.S.C.

§ 2461(c).

**FORFEITURE ALLEGATION**

(Possession of an Unregistered Machinegun)

The allegations contained in Count 3 of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeitures pursuant to 26 U.S.C. § 5872 and 28 U.S.C. § 2461(c).

Pursuant to 26 U.S.C. § 5872 and 28 U.S.C. § 2461(c), upon conviction of the violation of 26 U.S.C. § 5861(d) set forth in Count 3 of this Indictment, the defendant,

BENJAMIN JAMES CANCE,

shall forfeit to the United States of America any firearm involved in the offense. The firearm to be forfeited is the machinegun seized from the defendant's residence on April 24, 2015 and described in Count 3 of this Indictment as one AR15-type rifle, caliber .223 Remington, no markings of identification or serial number.

A TRUE BILL

REDACTED

GRAND JURY FOREPERSON

PATRICK A. MILES, JR.  
United States Attorney



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TIMOTHY P. VERHEY  
Assistant United States Attorney