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CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
BY:	DEPUTY

8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 -oOo-

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.

14 ROGER VON BERGENDORFF,

15 Defendant.

CRIMINAL INDICTMENT

2:08-CR- 111

VIOLATIONS:

18 U.S.C. § 175(b) - Possession of  
Biological Toxin

26 U.S.C. § 5861(d) - Possession of  
Unregistered Firearms

26 U.S.C. § 5861(i) - Possession of  
Firearms Not Identified by Serial Number

19 **THE GRAND JURY CHARGES THAT:**

20 **COUNT ONE**

Possession of Biological Toxin

21  
22 On or about February 14, 2008, in the State and Federal District of Nevada, the  
23 defendant,

24 **ROGER VON BERGENDORFF,**

25 knowingly possessed a biological agent and toxin, to wit: ricin, of a type and quantity that,  
26 under the circumstances, was not reasonably justified by a prophylactic, protective, bona fide

1 research, or other peaceful purpose, in violation of Title 18, United States Code, Section  
2 175(b).

3 **COUNT TWO**  
4 Possession of Unregistered Firearms

5 On or about February 14, 2008, in the State and Federal District of Nevada, the  
6 defendant,

7 **ROGER VON BERGENDORFF,**

8 knowingly possessed firearms, that is, two (2) silencers, as defined in Title 26, United States  
9 Code, Section 5845(a)(7), which firearms were not registered to him in the National Firearms  
10 Registration and Transfer Record (NFRTR) as required by Title 26, United States Code,  
11 Section 5841, in violation of Title 26, United States Code, Sections 5861(d) and 5871.

12 **COUNT THREE**  
13 Possession of Firearms Not Identified by Serial Number

14 On or about February 14, 2008, in the State and Federal District of Nevada, the  
15 defendant,

16 **ROGER VON BERGENDORFF,**

17 knowingly received and possessed firearms, that is, two (2) silencers, not identified by serial  
18 numbers as required by chapter 53 of Title 26, in violation of Title 26, United States Code,  
19 Sections 5861(i) and 5871.

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**FORFEITURE ALLEGATION**

As a result of the foregoing offense, the defendant shall forfeit to the United States all firearms and ammunition involved in the commission of the violations of Title 26, United States Code, Sections 5861(d), 5861(i) and 5871, alleged in this Indictment, including but not limited to the following:

- 1. a Browning, Buck Mark, .22 caliber semiautomatic pistol with attached silencer; and
- 2. an apparent .22 caliber detached silencer, with no serial number.

All in violation of Title 18, United States Code, Section 924(d), Title 21, United States Code, Section 853, Title 26, United States Code, Sections 5861(d); 5861(i) and 5871, and Title 28 United States Code, Section 2461(c).

**DATED:** this 22<sup>nd</sup> day of April 2008.

**A TRUE BILL:**


GREGORY A. BROWER  
United States Attorney  
*J. Gregory Damm*  
J. GREGORY DAMM  
Assistant United States Attorney