

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,
Plaintiff

v.

RAFAEL PIÑA-NIEVES,
Defendant.

INDICTMENT

Criminal No. 20- 258 (FAB)

Violations:

18 U.S.C. § 922(g)(1)

18 U.S.C. § 922(o)

Forfeiture:

18 U.S.C. § 924(d)(1);

28 U.S.C. § 2461(c)

TWO COUNTS

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THE GRAND JURY CHARGES:

COUNT ONE

Prohibited Person in Possession of a Firearm and Ammunition: Felon
(18 U.S.C. § 922(g)(1))

On or about April 1, 2020, in the District of Puerto Rico and within the jurisdiction of this Court, the defendant,

RAFAEL PIÑA-NIEVES,

knowing that he had been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess in and affecting commerce a firearm and ammunition, that is, one Glock pistol, Model 19, 9mm caliber, bearing serial number ZUT084; one Smith & Wesson, Model SD40, .40 caliber, Serial FYK5571, and five hundred, twenty-six (526) total rounds of live ammunition, including 148 rounds of .40 caliber handgun ammunition, 123 rounds of .357 caliber handgun ammunition, 3

rounds of .45 caliber handgun ammunition, 170 rounds of .25 caliber handgun ammunition, 3 rounds of 5.7 caliber handgun ammunition, 35 rounds of 7.62 caliber rifle ammunition, 18 rounds of 7.92 caliber rifle ammunition, 1 round of 12 gauge shotgun ammunition, and 25 rounds of 9mm caliber handgun ammunition; all in violation of 18 U.S.C. § 922(g)(1) and 924(a)(2).

COUNT TWO
Possession of a Machinegun
(18 U.S.C. § 922(o))

On or about April 1, 2020, in the District of Puerto Rico and within the jurisdiction of this Court, the defendant,

RAFAEL PIÑA-NIEVES,

did knowingly and unlawfully possess a machinegun, that is, a firearm modified to shoot more than one shot, without manual reloading, by a single function of the trigger, to wit, one Glock pistol, Model 19, 9mm caliber, bearing serial number ZUT084; in violation of 18 U.S.C. §§ 922(o) and 924(a)(2).

FIREARMS FORFEITURE ALLEGATION
(18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c))

The allegations contained in Count One and Two of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c).

Upon conviction of the offenses in violation of 18 U.S.C. § 922(g)(1) as set forth in Count One or in violation of 18 U.S.C. § 922(o) as set forth in Count Two of this Indictment, the defendant, **RAFAEL PIÑA-NIEVES**, shall forfeit to the United States

pursuant to 18 U.S.C. § 924(d) and 28 U.S.C § 2461(c), any firearms and ammunition involved in the commission of the offense, including, but not limited to: one Glock pistol, Model 19, 9mm caliber, bearing serial number ZUT084, one Smith & Wesson, Model SD40, .40 caliber, Serial FYK5571, and five hundred, twenty-six (526) total rounds of live ammunition, including 148 rounds of .40 caliber handgun ammunition, 123 rounds of .357 caliber handgun ammunition, 3 rounds of .45 caliber handgun ammunition, 170 rounds of .25 caliber handgun ammunition, 3 rounds of 5.7 caliber handgun ammunition, 35 rounds of 7.62 caliber rifle ammunition, 18 rounds of 7.92 caliber rifle ammunition, 1 round of 12 gauge shotgun ammunition, and 25 rounds of 9mm caliber handgun ammunition.

All pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c).

TRUE BILL,

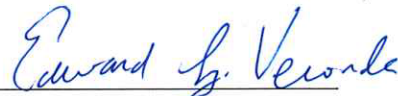
FOREPERSON

Date: August 13, 2020

W. STEPHEN MULDROW
United States Attorney



Seth A. Erbe
Assistant U.S. Attorney
Chief, Financial Fraud and
Public Corruption



Edward G. Veronda
Assistant U.S. Attorney