

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.
* JUNE 20, 2023 *
BROOKLYN OFFICE

EDP:AA
F. #2022R00046

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----- X

UNITED STATES OF AMERICA

I N D I C T M E N T

- against -

ATAHUALPA RODRIGUEZ,

Defendant.

Cr. No. 23-CR-266
(T. 18, U.S.C., §§ 844(i), 924(d)(1),
982(a)(2), 982(b)(1) and 3551 et seq.;
T. 21, U.S.C., § 853(p); T. 26, U.S.C.,
§§ 5861(d) and 5872(a); T. 28, U.S.C.
§ 2461(c))

Judge Allyne R. Ross
Magistrate Judge Peggy Kuo

----- X
THE GRAND JURY CHARGES:

COUNT ONE

(Arson)

1. On or about January 12, 2022, within the Eastern District of New York and elsewhere, the defendant ATAHUALPA RODRIGUEZ did knowingly, intentionally and maliciously damage and destroy, and attempt to damage and destroy, by means of fire, a building and other real and personal property used in interstate and foreign commerce and in one or more activities affecting interstate and foreign commerce, to wit: 34-15 Parsons Blvd, Queens, New York.

(Title 18, United States Code, Sections 844(i) and 3551 et seq.)

COUNT TWO

(Possession of a Destructive Device)

2. On or about January 12, 2022, within the Eastern District of New York and elsewhere, the defendant ATAHUALPA RODRIGUEZ did knowingly and intentionally possess a firearm, to wit: an incendiary device, which is a destructive device, as defined

pursuant to 26 U.S.C. § 5845(a)(8), (f)(1) and (f)(3), and which was not registered to him in the National Firearms Registration and Transfer Record.

(Title 26, United States Code, Section 5861(d); Title 18, United States Code, Sections 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION
AS TO COUNT ONE

3. The United States hereby gives notice to the defendant that, upon his conviction of the offense charged in Count One, the government will seek forfeiture in accordance with Title 18, United States Code, Section 982(a)(2), which requires any person convicted of such offense, to forfeit any property constituting, or derived from, proceeds obtained directly or indirectly as a result of such offense.

4. If any of the above-described forfeitable property, 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;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Sections 982(b)(1), to seek forfeiture of any

other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Sections 982(a)(2) and 982(b)(1); Title 21, United States Code, Section 853(p))

CRIMINAL FORFEITURE ALLEGATION
AS TO COUNT TWO

5. The United States hereby gives notice to the defendant that, upon his conviction of the offense charged in Count Two, the government will seek forfeiture in accordance with Title 18, United States Code, Section 924(d)(1), Title 26, United States Code, Section 5872(a) and Title 28, United States Code, Section 2461(c), which require the forfeiture of: (a) any firearm involved in any violation of Title 26, United States Code, Section 5861(d); and (b) any firearm or ammunition involved in or used in any violation of any criminal law of the United States.

6. If any of the above-described forfeitable property, 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;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 924(d)(1); Title 21, United States Code, Section 853(p); Title 26, United States Code, Section 5872(a); Title 28, United States Code, Section 2461(c))

A TRUE BILL


FOREPERSON

By Carolyn Pokorny, Assistant U.S. Attorney

BREON PEACE
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

F. #2020R01006
FORM DBD-34
JUN. 85

No. _____

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

ATAHUALPA RODRIGUEZ,

Defendant.

INDICTMENT

(T. 18, U.S.C., §§ 844(i), 924(d)(1), 982(a)(2), 982(b)(1) and 3551 et seq.;
T. 21, U.S.C., § 853(p); T. 26, U.S.C. § 5872(a); T. 28, U.S.C. § 2461(c))

A true bill.

May Beah Glikman _____
Foreperson

Filed in open court this _____ day,

of _____ A.D. 20 _____

Clerk

Bail, \$ _____

Adam Amir, Assistant U.S. Attorney (718) 254-6116