

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : INFORMATION

- v. - : 12 Cr.

DAVID KANWISHER, :

Defendant. :

- - - - - x

COUNT ONE

(Conspiracy to Transport Firearms Interstate)

The United States Attorney charges:

1. From in or about July 2011, up to and including in or about October 2011, in the Southern District of New York and elsewhere, DAVID KANWISHER, the defendant, and others known and unknown, willfully and knowingly, combined, conspired, confederated, and agreed together and with each other to commit an offense against the United States, to wit, to violate Section 922(a)(3) of Title 18, United States Code.

2. It was a part and an object of the conspiracy that DAVID KANWISHER, the defendant, and others known and unknown, would and did transport into or receive in the State where a person resides a firearm purchased and otherwise obtained by such person outside that State, in violation of Title 18, United States Code, Section 922(a)(3).

Overt Act

3. In furtherance of said conspiracy and to effect the illegal object thereof, the following overt act, among others, was committed in the Southern District of New York:

a. On or about September 22, 2011, DAVID KANWISHER, the defendant, transported firearms from New Jersey to New York via the Verrazano-Narrows Bridge.

(Title 18, United States Code, Section 371.)

COUNT TWO

(Conspiracy to Transport and Receive Stolen Merchandise)

The United States Attorney further charges:

4. From in or about September 2010, up to and including in or about October 2011, in the Southern District of New York and elsewhere, DAVID KANWISHER, the defendant, and others known and unknown, willfully and knowingly, combined, conspired, confederated, and agreed together and with each other to commit offenses against the United States, to wit, to violate Sections 2314 and 2315 of Title 18, United States Code.

5. It was a part and an object of the conspiracy that DAVID KANWISHER, the defendant, and others known and unknown, willfully and knowingly, would and did transport, transmit, and transfer in interstate commerce goods and merchandise of the value of \$5,000 and more, knowing the same to have been stolen, in violation of Title 18, United States Code, Section 2314.

6. It was further a part and an object of the conspiracy that DAVID KANWISHER, the defendant, and others known and unknown, willfully and knowingly, would and did receive, possess, sell, and dispose of goods and merchandise of the value of \$5,000 and more, which have crossed a State boundary after being stolen, knowing the same to have been stolen, in violation of Title 18, United States Code, Section 2315.

Overt Acts

7. In furtherance of said conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about March 25, 2011, DAVID KANWISHER, the defendant, participated in transporting slot machines he believed had been stolen from Atlantic City, New Jersey to Port Chester, New York.

b. On or about May 9, 2011, DAVID KANWISHER, the defendant, participated in the theft of more than 200 cases of cigarettes from trucks located in Virginia and the transportation of the cigarettes to New York.

(Title 18, United States Code, Section 371.)

FORFEITURE ALLEGATION
(Count One)

8. As the result of committing the offense alleged in Count One of this Information, DAVID KANWISHER, the defendant,

shall forfeit to the United States, pursuant to 18 U.S.C. § 924(d)(1) and (d)(3) and 28 U.S.C. § 2461(c), all firearms and ammunition involved and used in the commission of the said offense.

FORFEITURE ALLEGATION
(Count Two)

9. As a result of committing the offense alleged in Count Two of this Information, DAVID KANWISHER, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offense, including, but not limited to, a sum in United States currency representing the amount of proceeds obtained as a result of the offense.

Substitute Assets Provision

10. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

(1) cannot be located upon the exercise of due diligence;

(2) has been transferred or sold to, or deposited with, a third person;

(3) has been placed beyond the jurisdiction of the Court;

(4) has been substantially diminished in value;

or

(5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Sections 924 and 981 and Title 28, United States Code, Section 2461.)

Preet Bharara

PREET BHARARA
United States Attorney