

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : **CRIMINAL NO.** _____

v. : **DATE FILED:** _____

ABNER RIVERA : **VIOLATIONS:**
a/k/a "Hector Oliver" : **21 U.S.C. §§ 846, 841(b)(1)(B)(ii)**
: **(attempted possession of 500 grams or**
: **more of cocaine with intent to distribute –**
: **1 count)**
: **21 U.S.C. § 841(b)(1)(B)(ii)**
: **(possession of 500 grams or more of cocaine**
: **with intent to distribute – 1 count**
: **18 U.S.C. § 924(c) (use of a firearm in the**
: **commission of a drug trafficking offense -1**
: **count)**
: **Notices of forfeiture**

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about October 5, 2007, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**ABNER RIVERA
a/k/a "Hector Oliver"**

knowingly and intentionally attempted to possess with intent to distribute 500 grams or more, that is, approximately one kilogram, of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B)(ii).

In violation of Title 21, United States Code, Section 846.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about October 5, 2007, in Philadelphia, in the Eastern District of Pennsylvania, defendant

ABNER RIVERA

knowingly and intentionally possessed with intent to distribute 500 grams or more, that is, approximately one kilogram, of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B)(ii).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about October 5, 2007, in Philadelphia, in the Eastern District of Pennsylvania, defendant

ABNER RIVERA

knowingly possessed a firearm, that is: (1) a High Point .380 caliber semi-automatic pistol, Model CF, serial number P735402; (2) a .25 caliber Jennings model 25 CA, serial number 1568417; and a (3) Taurus .45 caliber semi-automatic pistol, Model PT24/7 PRO, serial number NYK57496, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, possession with intent to distribute cocaine, in violation of Title 21, United States Code, Section 841(a)(1).

In violation of Title 18, United States Code, Section 924(c)(1).

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 21, United States Code, Sections 846 and 841(a)(1), set forth in this indictment, defendant

ABNER RIVERA

shall forfeit to the United States of America:

- (a) any property used or intended to be used, in any manner or part, including, but not limited to;
- (b) (1) a High Point .380 caliber semi-automatic pistol, Model CF, serial number P735402 ; (2) a .25 caliber Jennings model 25 CA, serial number 1568417; and a (3) Taurus .45 caliber semi-automatic pistol, Model PT24/7 PRO, serial number NYK57496.
- (c) Ninety-One dollars in United States currency.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant(s):

- (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 defendants up to the value of the property subject to forfeiture.

All pursuant to Title 21, United States Code, Section 853.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

As a result of the violation of Title 18, United States Code, Section 924(c), set forth in this indictment, defendant

ABNER RIVERA

shall forfeit to the United States of America the firearms and ammunition involved in the commission of such offense, including, but not limited to:

(1) a High Point .380 caliber semi-automatic pistol, Model CF, serial number P735402 ; (2) a .25 caliber Jennings model 25 CA, serial number 1568417; and a (3) Taurus .45 caliber semi-automatic pistol, Model PT24/7 PRO, serial number NYK57496.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

A TRUE BILL:

GRAND JURY FOREPERSON

PATRICK L. MEEHAN
United States Attorney