

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
UNITED STATES OF AMERICA : INFORMATION  
: 22 Cr. 528 (CPmH)  
:  
- v. - :  
:  
XAVIER SIMMS, :  
:  
Defendant :  
:  
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COUNT ONE

**(Firearms Trafficking Conspiracy)**

The United States Attorney charges:

1. From at least in or about December 2020 up to and including at least on or about April 20, 2022, in the Southern District of New York and elsewhere, XAVIER SIMMS, the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, trafficking in firearms in violation of Title 18, United States Code, Section 922(a)(1)(A).

2. It was a part and object of the conspiracy that XAVIER SIMMS, the defendant, and others known and unknown, not being licensed importers, licensed manufacturers, and licensed dealers of firearms within the meaning of Chapter 44, Title 18, United States Code, would and did willfully and knowingly engage in the business of dealing in firearms, and in the course of such

business would and did ship, transport, and receive firearms in interstate and foreign commerce, in violation of Title 18, United States Code, Section 922(a)(1)(A).

Overt Acts

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

- a. On or about April 20, 2022, a co-conspirator ("CC-1") shot a law enforcement officer in Yonkers, New York after law enforcement attempted to interdict members of the conspiracy.
- b. On or about April 19, 2022, XAVIER SIMMS, the defendant, along with CC-1 and another co-conspirator ("CC-2"), traveled to New York State, specifically Yonkers, New York, from Georgia with multiple firearms for resale.
- c. On or about April 18, 2022, CC-2 took several photographs of firearms for resale and priced them.
- d. In or about December 2020, SIMMS took several photographs that displayed firearms, including machinegun-style firearms, consistent with potential resale of those firearms.

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

COUNT TWO

**(Firearms Trafficking)**

The United States Attorney further charges:

4. From at least in or about March 2022 up to and including at least on or about April 20, 2022, in the Southern District of New York and elsewhere, XAVIER SIMMS, the defendant, not being a licensed importer, licensed manufacturer, and licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, did willfully and knowingly engage in the business of dealing in firearms, and in the course of such business did ship, transport, and receive firearms in interstate and foreign commerce, to wit, the defendant transported firearms from Georgia to Yonkers, New York, for the purpose of illegally reselling the firearms.

(Title 18, United States Code, Sections 922(a)(1)(A), 924(a)(1), and 2.)

**FORFEITURE ALLEGATION**

5. As a result of committing the offense alleged in Counts One and Two of this Information, XAVIER SIMMS, 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(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offense, including but not limited to

a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense.

**Substitute Asset Provision**

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) and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981; Title 21, United States Code, Section 853; and Title 28, United States Code, Section 2461.)

*Damian Williams*  
DAMIAN WILLIAMS  
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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INFORMATION

22 Cr.

(18 U.S.C. §§ 371, 922(a)(1)(A), 924(a)(1),  
and 2.)

DAMIAN WILLIAMS  
United States Attorney

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