

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

UNITED STATES OF AMERICA	:	CRIMINAL NO. 13-
v.	:	DATE FILED:
NICHOLAS SUOZZO	:	VIOLATIONS:
	:	21 U.S.C § 841(a)(1) (distribution of marijuana - 2 counts)
	:	21 U.S.C. § 860 (distribution of marijuana in or near a school - 2 counts)
	:	21 U.S.C § 841(a)(1) (possession with intent to distribute marijuana - 1 count)
	:	21 U.S.C. § 860 (possession with intent to distribute marijuana in or near a school - 1 count)
	:	18 U.S.C. § 924(c)(1)(A) (possession of a firearm in furtherance of a drug trafficking crime -1 count)
	:	26 U.S.C. § 5861 (possession of unregistered firearms - 2 counts)
	:	Notices of forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about March 7, 2013, in Philadelphia, in the Eastern District of Pennsylvania, defendant

NICHOLAS SUOZZO

knowingly and intentionally distributed a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance.

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

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 7, 2013, in Philadelphia, in the Eastern District of Pennsylvania, defendant

NICHOLAS SUOZZO

knowingly and intentionally distributed a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance, within 1,000 feet of the real property comprising the Stephen A. Douglas School, a public high school located at 2700 E. Huntingdon Street in Philadelphia, in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(D).

In violation of Title 21, United States Code, Section 860(a).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 12, 2013, in Philadelphia, in the Eastern District of Pennsylvania, defendant

NICHOLAS SUOZZO

knowingly and intentionally distributed a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance.

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

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 12, 2013, in Philadelphia, in the Eastern District of Pennsylvania, defendant

NICHOLAS SUOZZO

knowingly and intentionally distributed a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance, within 1,000 feet of the real property comprising the Stephen A. Douglas School, a public high school located at 2700 E. Huntingdon Street in Philadelphia, in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(D).

In violation of Title 21, United States Code, Section 860(a).

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 14, 2013, in Philadelphia, in the Eastern District of Pennsylvania, defendant

NICHOLAS SUOZZO

knowingly and intentionally possessed with intent to distribute a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance.

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

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 14, 2013, in Philadelphia, in the Eastern District of Pennsylvania, defendant

NICHOLAS SUOZZO

knowingly and intentionally possessed with intent to distribute a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance, within 1,000 feet of the real property comprising the Stephen A. Douglas School, a public high school located at 2700 E. Huntingdon Street in Philadelphia, in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(D).

In violation of Title 21, United States Code, Section 860(a).

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 14, 2013, in Philadelphia, in the Eastern District of Pennsylvania, defendant

NICHOLAS SUOZZO

knowingly possessed a firearm, that is:

1. a Taurus International Model PT92AF, 9mm luger caliber semi-automatic pistol, serial number TGJ00247, loaded with 16 live rounds;
2. a Heckler and Koch 9mm luger caliber semi-automatic pistol, serial number 14503, loaded with 5 live rounds; and
3. an AKM type semi-automatic Romanian rifle, with no serial number and with a barrel extension, loaded with 22 live rounds of 7.62 x 39mm ammunition;

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 marijuana, in violation of Title 21, United States Code, Section 841(a)(1).

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

COUNT EIGHT

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 14, 2013, in the Eastern District of Pennsylvania, defendant

NICHOLAS SUOZZO

knowingly possessed a firearm not identified by serial number, that is:

1. one semi-automatic AR-15 type rifle, with no serial number, having a barrel length of approximately 10 - 1/8 inches (short barreled), loaded with live .223 caliber ammunition;
2. one Finnish M44 9x21 mm caliber machine gun, with no serial number, with a 70 cartridge capacity drum magazine;
3. One AR-15 type drop-in auto sear ("DIAS"), for firing in fully automatic mode, with no serial number.

In violation of Title 26, United States Code, Sections 5845(a)(3), (a)(6) and (a)(5)(e) and 5861(i).

COUNT NINE

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 14, 2013, in the Eastern District of Pennsylvania, defendant

NICHOLAS SUOZZO

knowingly possessed a firearm not registered to him in the National Firearms Registration and Transfer Record, that is, five functional improvised explosive devices (IED's): two made from metal CO 2 canisters; one made from a modified grenade hull; one made from threaded PVC fittings, with metal screws as fragmentation material affixed to the exterior; and one made from galvanized metal pipe, with metal screws as fragmentation material affixed to the exterior.

In violation of Title 26, United States Code, Sections 5845(a)(8), and 5861(d).

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 21, United States Code, Sections 841(a)(1) and 860, set forth in this Indictment, defendant

NICHOLAS SUOZZO

shall forfeit to the United States of America:

(a) any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of such offenses: and

(b) any property constituting, or derived from, any proceeds obtained directly or indirectly from the commission of such offenses.

2. If any of the property subject to forfeiture, as a result of any act or commission by 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 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 violation of Title 18, United States Code, Section 924(c), and Title 26, United States Code, Section 5861, set forth in this indictment, defendant

NICHOLAS SUOZZO

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

1. one Glock Model 21 .45 caliber semi-automatic pistol, serial number ETY676US, loaded with 13 live rounds and with an extra magazine;
2. one Heckler and Koch 9mm luger caliber semi-automatic pistol, serial number 14503, loaded with 5 live rounds;
3. one Taurus International Model PT92AF, 9mm luger caliber semi-automatic pistol, serial number TGJ00247, loaded with 16 live rounds;
4. one semi-automatic AR-15 type rifle, with no serial number, having a barrel length of approximately 10 - 3/8 inches (short barreled), loaded with live .223 caliber ammunition;
5. one semi-automatic AR-15 type rifle, with no serial number, having a barrel length of approximately 16 - 5/16 inches, loaded with live .223 caliber ammunition;

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

13-381

INDICTMENT

DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 615 Chestnut Street, Suite 1250, Philadelphia, PA 19106-4476

Post Office: Philadelphia County: Philadelphia

Address of Defendant: Philadelphia, PA

Post Office: Philadelphia County: Philadelphia

Register number:

Place of accident, incident, or transaction: Eastern District of Pennsylvania

Post Office: Philadelphia County: Philadelphia

RELATED CASE, IF ANY:

Criminal cases are deemed related when the answer to the following question is "yes".

Does this case involve a defendant or defendants alleged to have participated in the same action or transaction, or in the same series of acts or transactions, constituting an offense or offenses?

YES/NO: NO: **XX**

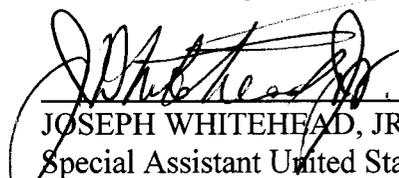
CRIMINAL: (Criminal Category - FOR USE BY U.S. ATTORNEY ONLY)

- 1. Antitrust
- 2. Income Tax and other Tax Prosecutions
- 3. Commercial Mail Fraud
- 4. Controlled Substances
- 5. Violations of 18 U.S.C. Chapters 95 and 96 (Sections 1951-55 and 1961-68) and Mail Fraud other than commercial
- 6. General Criminal

(U.S. ATTORNEY WILL PLEASE DESIGNATE PARTICULAR CRIME AND STATUTE CHARGED TO BE VIOLATED AND STATE ANY PREVIOUS CRIMINAL NUMBER FOR SPEEDY TRIAL ACT TRACKING PURPOSES)

- 26 U.S.C. § 5861(d) (possession of unregistered firearms - 2 counts)
 - 21 U.S.C § 841(a)(1) (distribution of marijuana - 2 counts)
 - 21 U.S.C. § 860 (distribution of marijuana in or near a school - 2 counts)
 - 21 U.S.C § 841(a)(1) (possession with intent to distribute marijuana - 1 count)
 - 21 U.S.C. § 860 (possession with intent to distribute marijuana in or near a school - 1 count)
 - 18 U.S.C. § 924(c)(1)(A) (possession of a firearm in furtherance of a drug trafficking crime -1 count)
- Notice of forfeiture

DATE: 7/30/2013


JOSEPH WHITEHEAD, JR
Special Assistant United States Attorney