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FILED

APR 25 2019

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BY _____
DEPUTY CLERK

6 Attorneys for Plaintiff
United States of America
7

8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10
11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 KENNY XYRUS LOSITO,
15 Defendant.

CASE NO. **2:19 - CR - 0074 WBS**
VIOLATIONS: 18 U.S.C. § 922(g)(1) – Felon in
Possession of a Firearm; 18 U.S.C. § 924(d)(1) and
28 U.S.C. § 2461(c) – Criminal Forfeiture

16
17 INDICTMENT

18 The Grand Jury charges: T H A T

19 KENNY XYRUS LOSITO,

20 defendant herein, on or about March 14, 2019, in Solano County, State and Eastern District of California,
21 having been convicted of a crime punishable by a term of imprisonment exceeding one year, specifically:

- 22 (1) Possessing a Controlled Substance for Sale, in violation of California Health and Safety
23 Code, Section 11378, on or about September 12, 2016, in Solano County, California;
24 (2) Possessing a Controlled Substance for Sale, in violation of California Health and Safety
25 Code, Section 11351, on or about September 12, 2016, in Solano County, California; and
26 (3) Possessing a Controlled Substance for Sale, in violation of California Health and Safety
Code, Section 11378, on or about June 20, 2017, in Solano County, California,

27 did knowingly possess a firearm, specifically, a Ruger Model LC9 9mm pistol, with serial number 325-
28 42700, in and affecting commerce, in that said firearm had previously been shipped and transported in

1 interstate and foreign commerce, in violation of Title 18, United States Code, Section 922(g)(1).

2 FORFEITURE ALLEGATION: [18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c) – Criminal Forfeiture]

3 1. Upon conviction of the offense alleged in this Indictment, defendant KENNY XYRUS
4 LOSITO, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d)(1),
5 and Title 28, United States Code, Section 2461(c), any firearms and ammunition involved in or used in
6 the knowing commission of the offense.

7 3. If any property subject to forfeiture, as a result of the offense alleged in this Indictment,
8 for which defendant is convicted:

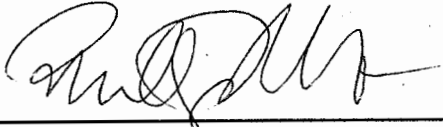
- 9 a. cannot be located upon the exercise of due diligence;
10 b. has been transferred or sold to, or deposited with, a third party;
11 c. has been placed beyond the jurisdiction of the Court;
12 d. has been substantially diminished in value; or
13 e. has been commingled with other property which cannot be divided without
14 difficulty;

15 it is the intent of the United States, under Title 21, United States Code, Section 853(p), as incorporated by
16 Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant,
17 up to the value of the property subject to forfeiture.

18 A TRUE BILL.

19 **/s/ Signature on file w/AUSA**

20 _____
21 FOREPERSON

22 
23 _____
24 MCGREGOR W. SCOTT
25 United States Attorney
26
27
28

2:19 - CR - 0074 WBS

No. _____

UNITED STATES DISTRICT COURT

Eastern District of California

Criminal Division

THE UNITED STATES OF AMERICA

vs.

KENNY XYRUS LOSITO

INDICTMENT

VIOLATION(S): 18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm; U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c) – Criminal Forfeiture

A true bill,

/s/ Signature on file w/AUSA

Foreman.

Filed in open court this 25 day

of April, A.D. 20 19

Clerk.

Bail, \$ **NO PROCESS NECESSARY**

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United States v. Kenny Xyrus Losito
Penalties for Indictment

DEFENDANT: 1) **Kenny Xyrus Losito**

SOLE COUNT:

VIOLATION: 18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm.

PENALTIES: -- A term of imprisonment for up to 10 years,
-- A fine of up to \$250,000, or both fine and imprisonment,
-- A term of supervised release for up to 3 years.

SPECIAL ASSESSMENT: \$100 (mandatory on each count)

FORFEITURE ALLEGATION:

VIOLATION: 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c) – Criminal Forfeiture.

PENALTIES: As stated in the charging document.