

INFORMATION SHEET

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

UNITED STATES DISTRICT COURT ★ AUG 08 2020 ★  
EASTERN DISTRICT OF NEW YORK  
LONG ISLAND OFFICE

1. Title of Case: United States v. AVERY MILLINGTON

2. Related Magistrate Docket Number(s): 20-M-574

3. Arrest Date: 7/25/2020

CR 20 288

4. Nature of offense(s):  Felony  
 Misdemeanor

DeARCY HALL, J.

5. Related Cases - Title and Docket No(s). (Pursuant to Rule 50.3.2 of the Local E.D.N.Y. Division of Business Rules): \_\_\_\_\_

6. Projected Length of Trial: Less than 6 weeks   
More than 6 weeks

POLLAK, M.J.

7. County in which crime was allegedly committed: KINGS  
(Pursuant to Rule 50.1(d) of the Local E.D.N.Y. Division of Business Rules)

8. Was any aspect of the investigation, inquiry and prosecution giving rise to the case pending or initiated before March 10, 2012.<sup>1</sup>  Yes  No

9. Has this indictment/information been ordered sealed?  Yes  No

10. Have arrest warrants been ordered?  Yes  No

11. Is there a capital count included in the indictment?  Yes  No

SETH D. DUCHARME

By: \_\_\_\_\_

Assistant U.S. Attorney  
(718) 254-6133

<sup>1</sup> Judge Brodie will not accept cases that were initiated before March 10, 2012.

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ **AUG 06 2020** ★

LONG ISLAND OFFICE

SK:JD  
F. #2020R00653

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
----- X

UNITED STATES OF AMERICA

- against -

AVERY MILLINGTON,

Defendant.

INDICTMENT

**CR 20 288**

Cr. No. (T. 18, U.S.C., §§ 922(g)(1),  
924(c)(1)(A)(i), 924(a)(2), 924(d)(1)  
and 3551 et seq.; T. 21, U.S.C.,  
§§ 841(a)(1), 841(b)(1)(C), 853(a)  
and 853(p); T. 28, U.S.C., § 2461(c))

----- X

THE GRAND JURY CHARGES:

**DeARCY HALL, J.**

COUNT ONE

(Possession of Methamphetamine with Intent to Distribute)

**POLLAK, M.J.**

1. On or about July 25, 2020, within the Eastern District of New York, the defendant AVERY MILLINGTON did knowingly and intentionally possess with intent to distribute a controlled substance, which offense involved a substance containing methamphetamine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C); Title 18, United States Code, Sections 3551 et seq.)

COUNT TWO

(Possessing a Firearm During a Drug Trafficking Crime)

2. On or about July 25, 2020, within the Eastern District of New York, the defendant AVERY MILLINGTON did knowingly and intentionally use and carry a firearm during and in relation to a drug trafficking crime, to wit: the crime charged in Count One,

and did knowingly and intentionally possess such firearm in furtherance of said drug trafficking crime.

(Title 18, United States Code, Sections 924(c)(1)(A)(i) and 3551 et seq.)

COUNT THREE

(Felon in Possession of a Firearm)

3. On or about July 25, 2020, within the Eastern District of New York, the defendant AVERY MILLINGTON, knowing that he had previously been convicted in a court of a crime punishable by a term of imprisonment exceeding one year, did knowingly and intentionally possess in and affecting commerce a firearm, to wit: a Charter Arms Undercover .38 special caliber pistol with serial number 194629.

(Title 18, United States Code, Sections 922(g)(1), 924(a)(2) and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION  
AS TO COUNT ONE

3. The United States hereby gives notice to the defendant that, upon his conviction of the offense charged in Count One, the government will seek forfeiture in accordance with: (i) Title 21, United States Code, Section 853(a), which requires any person convicted of such offense to forfeit (a) any property constituting, or derived from, any proceeds obtained directly or indirectly as the result of such offense, and (b) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offense; and (ii) Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), which require the forfeiture of any firearm or ammunition involved in or used in any violation of criminal law of the United States, including but not limited to one Charter Arms Undercover .38 special caliber pistol with

serial number 194629, and ammunition contained therein, seized on or about July 25, 2020, in Brooklyn, New York (the “Seized Firearm and Ammunition”).

4. 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), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 924(d)(1); Title 21, United States Code, Sections 853(a) and 853(p); Title 28, United States Code, Section 2461(c))

**CRIMINAL FORFEITURE ALLEGATION  
AS TO COUNTS TWO AND THREE**

5. The United States hereby gives notice to the defendant that, upon his conviction of either of the offenses charged in Counts Two and Three, the government will seek forfeiture in accordance with Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), which require the forfeiture of any firearm or ammunition involved in or used in any knowing violation of Title 18, United States Code, Section 922 or Section 924, including but not limited to the Seized Firearm and Ammunition.

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), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 924(d)(1); Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c))

A TRUE BILL



FOREPERSON



SE  
ACTING UNITED STATES ATTORNEY  
EASTERN DISTRICT OF NEW YORK

