

SM/2017R00076

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA	:	Hon.
	:	
v.	:	Criminal No. 17- <i>CR-209(CCC)</i>
	:	
ORLANDO L. NIEVES-VELEZ	:	18 U.S.C. § 1951(a)
	:	18 U.S.C. § 2119(1)
	:	18 U.S.C. § 924(c)(1)(A)(iii)

**INDICTMENT**

The Grand Jury in and for the District of New Jersey, sitting at Newark, charges:

**COUNT ONE**  
(Hobbs Act Robbery)

On or about December 1, 2016, in Essex County, in the District of New Jersey and elsewhere, defendant,

**ORLANDO L. NIEVES-VELEZ,**

did knowingly and willfully obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, by robbing the employees of a jewelry store in Newark, New Jersey of that store's inventory, and did commit and threaten physical violence to persons and property in furtherance thereof.

In violation of Title 18, United States Code, Section 1951(a).

**COUNT TWO**  
(Carjacking)

On or about December 1, 2016, in Essex County, in the District of New Jersey and elsewhere, defendant,

**ORLANDO L. NIEVES-VELEZ,**

with the intent to cause death or serious bodily harm, did knowingly take a motor vehicle that had been transported, shipped, and received in interstate and foreign commerce, namely, a beige 2006 Nissan Altima, from the person and presence of another by force, violence and intimidation.

In violation of Title 18, United States Code, Section 2119(1).

**COUNT THREE**

(Use and Carrying of a Firearm During and in Relation to a Crime of Violence)

On or about December 1, 2016, in Essex County, in the District of New Jersey and elsewhere, defendant,

**ORLANDO L. NIEVES-VELEZ,**

during and in relation to a crime of violence for which the defendant may be prosecuted in a court of the United States, namely, the carjacking charged in Count Two of this Indictment, did knowingly use and carry a firearm, which firearm was discharged.

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

**FORFEITURE ALLEGATION AS TO COUNT ONE**

As a result of committing the Hobbs Act robbery offense alleged in Count One of this Indictment, ORLANDO L. NIEVES-VELEZ, shall forfeit to the United States, (i) pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, any and all property constituting or derived from any proceeds obtained directly or indirectly as a result of the commission of such offense, and (ii) pursuant to 18 U.S.C. § 924 and 28 U.S.C. § 2461, any firearm and ammunition involved in or used in the commission of such offense.

**FORFEITURE ALLEGATION AS TO COUNT TWO**

As the result of committing the carjacking offense alleged in Count Two of this Indictment, ORLANDO L. NIEVES-VELEZ shall forfeit to the United States (i) pursuant to 18 U.S.C. § 982(a)(5), any property, real or personal, which represents or is traceable to the gross proceeds obtained, directly or indirectly, as a result of such offense, and (ii) pursuant to 18 U.S.C. § 924 and 28 U.S.C. § 2461(c), any firearm and ammunition involved in or used in the commission of such offense.

**FORFEITURE ALLEGATION AS TO COUNT THREE**

As the result of committing the firearms offense alleged in Count Three, of this Indictment, ORLANDO L. NIEVES-VELEZ shall forfeit to the United States, pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c), any firearm and ammunition involved in or used in the commission of such offense.

**Substitute Assets Provision**  
**(Applicable to All Forfeiture Allegations)**


If any of the above described forfeitable property, as a result of any act or omission of ORLANDO L. NIEVES-VELEZ:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third person;
- (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 subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c), to seek forfeiture of any other property of ORLANDO L. NIEVES-VELEZ up to the value of the above described forfeitable property.

A TRUE BILL

FOR PERSON \_\_\_\_\_

  
\_\_\_\_\_  
WILLIAM E. FITZPATRICK  
Acting United States Attorney

CASE NUMBER: 17- CR-209(CCC)

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**United States District Court  
District of New Jersey**

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**UNITED STATES OF AMERICA**

**v.**

**ORLANDO L. NIEVES-VELEZ**

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**INDICTMENT FOR**

**18 U.S.C. § 1951(a)  
18 U.S.C. § 2119(1)  
18 U.S.C. § 924(c)(1)(A)(iii)**

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**A True Bill,**

**Foreperson**

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**WILLIAM E. FITZPATRICK**  
*ACTING UNITED STATES ATTORNEY*  
*NEWARK, NEW JERSEY*

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**SAMMI MALEK**  
*ASSISTANT U.S. ATTORNEY*  
*973-645-2919*

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