

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

U.S. DISTRICT COURT  
DISTRICT OF MAINE  
BANGOR  
RECEIVED & FILED

UNITED STATES OF AMERICA )  
 )  
 v. )  
 )  
 XAVIER PELKEY )  
 )

Criminal No. 2022 APR 15 P 1:39  
1:22-cr-00050-LEW  
DEPUTY CLERK

**INDICTMENT**

The grand jury charges that:

**COUNT ONE**  
**(Possession of Unregistered Destructive Devices)**

On about February 11, 2022, in the District of Maine, the defendant,

**XAVIER PELKEY,**

knowingly possessed firearms, specifically destructive devices, which were not registered to him in the National Firearms Registration and Transfer Record.

In violation of Title 26, United States Code, Sections 5841, 5861(d) and 5871.

**FORFEITURE ALLEGATION**

1. The allegations contained in Count One of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 26, United States Code, Section 5872(a) and Title 28, United States Code, Section 2461(c).

2. Upon conviction of the offense in violation of Title 26, United States Code, Section 5861(d) set forth in Count One of this Indictment, the defendant,

**XAVIER PELKEY,**

shall forfeit to the United States pursuant to Title 26, United States Code, Section 5872(a) and

Title 28, United States Code, Section 2461(c), any firearms involved in the commission of the offenses, including, but not limited to, three destructive devices seized from **PELKEY's** residence on about February 11, 2022.

3. If any of the property described above, 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,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

All pursuant to 26 U.S.C. § 5872(a) and 28 U.S.C. § 2461(c).

A TRUE BILL,

**Signature Redacted – Original on file  
with the Clerk's Office**

  
Assistant U.S. Attorney

Date:

4/15/22