

AO 257 (Rev. 8/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

18 U.S.C. § 922(g)(1) - Felon in Possession of a Firearm and Ammunition; Petty
18 U.S.C. § 924(d)(1) - Gun Forfeiture Allegation Minor
 Misdemeanor
 Felony

PENALTY: (1) Imprisonment: Maximum 10 Years.
(2) Fine: \$250,000
(3) Supervised release: Maximum 3-Year Term
(4) Special assessment: \$100.00

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

FILED
JAN 10 2013
RICHARD W. WIEKING
U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

DEFENDANT - U.S.

DIANDRE CUMMINGS

DISTRICT COURT NUMBER

CR13-00021

PJH

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Bureau of Alcohol, Tobacco, Firearms and Explosives

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprosecution of charges previously dismissed which were dismissed on motion of:

U.S. ATTORNEY DEFENSE

SHOW DOCKET NO.

this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person Furnishing Information on this form MELINDA HAAG

U.S. Attorney Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned) JAMES C. MANN, AUSA

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

1) If not detained give date any prior summons was served on above charges

2) Is a Fugitive

3) Is on Bail or Release from (show District)

IS IN CUSTODY

4) On this charge

5) On another conviction } Federal State

6) Awaiting trial on other charges
If answer to (6) is "Yes", show name of institution

Has detainer been filed? Yes No

If "Yes" give date filed

DATE OF ARREST Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY Month/Day/Year

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT

Bail Amount: No Bail

If Summons, complete following:

Arraignment Initial Appearance

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: _____ Before Judge: _____

Comments:

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: Oakland

CR13-00021PJH

UNITED STATES OF AMERICA,

v.

DIANDRE CUMMINGS,

FILED

JAN 10 2013

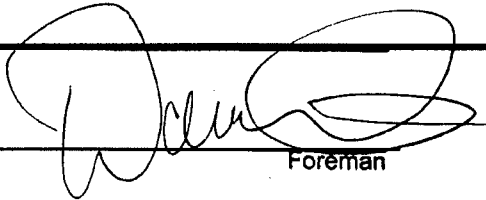
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

DEFENDANT.

INDICTMENT

18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm and
Ammunition; 18 U.S.C. § 924(d)(1) – Gun Forfeiture Allegation

A true bill.



Foreman

Filed in open court this 10 day of January 2013



Clerk

Bail, \$0 no bail warrant
Kandis Wisnole 1/10/13

1 MELINDA HAAG (CABN 132612)
2 United States Attorney

FILED

JAN 10 2013

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

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12 UNITED STATES OF AMERICA,

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14 v.

15 DIANDRE CUMMINGS,
16 Defendant.

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CR13-00021 PJH

VIOLATION: 18 U.S.C. § 922(g)(1) –
Felon in Possession of a Firearm and
Ammunition; 18 U.S.C. § 924(d)(1) – Gun
Forfeiture Allegation

OAKLAND VENUE

INDICTMENT

The Grand Jury charges:

COUNT ONE: (18 U.S.C. § 922(g)(1) – Felon In Possession Of Ammunition)

1. On or about October 21, 2012, in the Northern District of California, the
defendant,

DIANDRE CUMMINGS,

having previously been convicted of a crime punishable by a term of imprisonment exceeding
one year, unlawfully and knowingly did possess ammunition, described as 13 rounds of 9mm

INDICTMENT

ammunition, all in violation of Title 18, United States Code, Section 922(g)(1).

COUNT TWO: (18 U.S.C. § 922(g)(1) – Felon In Possession Of A Firearm and Ammunition)

2. On or about November 8, 2012, in the Northern District of California, the defendant,

DIANDRE CUMMINGS,

having previously been convicted of a crime punishable by a term of imprisonment exceeding one year, unlawfully and knowingly did possess a firearm and ammunition, described as: (1) a Sig Sauer, Model P229, 9mm semiautomatic handgun with serial number AE21676; and (2) nine rounds of 9mm ammunition, all in violation of Title 18, United States Code, Section 922(g)(1).

FORFEITURE ALLEGATION: (18 U.S.C. § 924(d)(1) – Gun Forfeiture)

3. The factual allegations contained in Counts One and Two of this Indictment are realleged and by this reference fully incorporated herein for the purpose of alleging forfeiture pursuant to the provisions of 18 U.S.C. § 924(d)(1).

4. Upon a conviction for the offenses alleged in Count One and Two, the defendant,

DIANDRE CUMMINGS,

shall forfeit to the United States any firearm or ammunition involved in or used in any knowing

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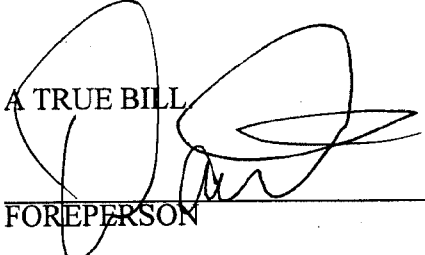
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1 violation of said offenses, including but not limited to the following property:


- 2 a. a Sig Sauer, Model P229, 9mm semiautomatic handgun with serial
- 3 number AE21676; and
- 4 b. nine live rounds of 9mm ammunition.

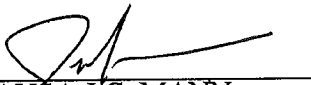
5 Pursuant to Title 18, United States Code, Section 924(d)(1).

7 DATED: January 10, 2013

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 8 A TRUE BILL 
 9 _____
 FOREPERSON

10 MELINDA HAAG
11 United States Attorney

12 
 13 ~~W.S. WILSON LEUNG~~
 14 Deputy Chief, Organized Crime Strike Force

15 (Approved as to form: 
 16 AUSA J.C. MANN