

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	Criminal No.	21cr10045
	)		
v.	)	Violations:	
	)		
PEPO HERD EL a/k/a,	)	<u>Counts One - Two:</u> Felon in Possession of	
PEPO WAMCHAWI HERD,	)	Firearm and Ammunition	
	)	(18 U.S.C. § 922(g)(1))	
	)		
Defendant	)	<u>Forfeiture Allegation:</u>	
	)	(18 U.S.C. § 924(d); 28 U.S.C. § 2461(c))	
	)		

INDICTMENT

General Allegations

1. PEPO HERD EL (“EL”) is a 47-year-old man currently living in Dorchester, Massachusetts. EL was born as PEPO WAMCHAWI HERD.
2. On or about October 27, 2004, EL was convicted of six offenses punishable by more than one year in prison. For two of those convictions, EL was sentenced to two years’ imprisonment in the Massachusetts House of Corrections. The court ordered that these sentences run consecutively. As a result, EL served a total of four years’ imprisonment.
3. On or about November 26, 2020, EL left his residence and went to Ruggles Station, a public transit station in Boston. When EL arrived at the station, he was detained pursuant to a federal criminal search warrant to search his person. During the search of EL’s person, law enforcement officers found a Glock 27, semi-automatic pistol containing a magazine loaded with .40-caliber ammunition and another .40-caliber round in the chamber. Glock firearms are manufactured in Austria. Law enforcement officers also found that EL was carrying three additional magazines of .40-caliber pistol ammunition. In total, EL possessed

approximately forty-five rounds of ammunition. The brass cartridge cases of the ammunition were manufactured in Brazil by Comparhia Brasileira de Cartuchos and in the Philippines by Arms Corporation of the Philippines.

4. Separately, also on or about November 26, 2020, law enforcement officers searched EL's residence in Dorchester, Massachusetts pursuant to a federal criminal search warrant. In the residence, officers found another Glock magazine loaded with approximately eight rounds of .40-caliber ammunition. The brass cartridge cases of this ammunition were also manufactured in Brazil by Comparhia Brasileira de Cartuchos and in the Philippines by Arms Corporation of the Philippines. Five of the ammunition rounds incorporated a steel tip. A firearms examiner from the Bureau of Alcohol, Tobacco, Firearms and Explosives has determined that the steel tip rendered those five rounds "armor-piercing ammunition," as defined in 18 U.S.C. § 921(a)(17)(B).

COUNT ONE

Felon in Possession of Firearm and Ammunition  
(18 U.S.C. § 922(g)(1))

The Grand Jury charges:

5. The Grand Jury re-alleges and incorporates by reference paragraphs 1-4 of this Indictment.

6. On or about November 26, 2020, in the District of Massachusetts, the defendant,

PEPO HERD EL, a/k/a PEPO WAMCHAWI HERD,

knowing that a court had previously convicted him of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess, in and affecting commerce, a firearm and ammunition, that is: a Glock model 27, semiautomatic pistol, bearing serial number XPZ128; approximately thirty-three .40-caliber rounds with brass cartridge cases made by Comparhia Brasileira de Cartuchos; and approximately twelve .40-caliber rounds with brass cartridge cases made by Arms Corporation of the Philippines,

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

COUNT TWO

Felon in Possession of Ammunition  
(18 U.S.C. § 922(g)(1))

The Grand Jury further charges:

7. The Grand Jury re-alleges and incorporates by reference paragraphs 1-4 of this Indictment.

8. On or about November 26, 2020, in the District of Massachusetts, the defendant,  
  
PEPO HERD EL, a/k/a PEPO WAMCHAWI HERD,  
  
knowing that a court had previously convicted him of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess, in and affecting commerce, ammunition, that is: approximately two .40-caliber rounds with brass cartridge cases made by Companhia Brasileira de Cartuchos; and approximately six .40-caliber rounds with brass cartridge cases made by Arms Corporation of the Philippines,

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

FORFEITURE ALLEGATIONS  
(18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c))

The Grand Jury further finds:

9. Upon conviction of an offense in violation of Title 18, United States Code, Section 922(g)(1), set forth in Counts One and Two of this Indictment, the defendant,

PEPO HERD EL, a/k/a PEPO WAMCHAWI HERD,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c), any firearm or ammunition involved in or used in any knowing commission of the offense. The property to be forfeited includes, but is not limited to, the following:

- a. A Glock model 27, .40-caliber, semiautomatic pistol, bearing serial number XPZ128;
- b. Approximately thirty-five .40-caliber rounds of ammunition with brass cartridge cases made by Companhia Brasileira de Cartuchos; and
- c. Approximately eighteen .40-caliber rounds of ammunition with brass cartridge cases made by Arms Corporation of the Philippines.

10. If any of the property described in Paragraph 9, above, as being forfeitable pursuant to Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c), 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 intention of the United States, pursuant to Title 28, United States Code, Section 2461(c), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property described in Paragraph 9 above.

11. All pursuant to Title 18, United States Code, Section 924, and Title 28, United States Code, Section 2461.

A TRUE BILL

  
FOREPERSON

  
AMANDA BECK  
BENJAMIN TOLKOFF  
ASSISTANT UNITED STATES ATTORNEYS  
DISTRICT OF MASSACHUSETTS

District of Massachusetts: February 4, 2021  
Returned into the District Court by the Grand Jurors and filed.

  
HON. MARIANNE B. BOWLER  
United States Magistrate Judge



/s/ Harold Putnam 2/4/2021; 2:38 p.m.  
DEPUTY CLERK