

SEP 23 2009

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DEPUTY CLERK

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

UNITED STATES OF AMERICA

v.

NO. 3:09-00226

[1] JULIO CESAR ROJAS-LOPEZ

(Counts One, Four, Five, Six,

Seven, Eight, Nine, Ten,

Eleven, Twelve, Thirteen,

Fourteen, Fifteen, Sixteen,

Seventeen, Twenty, Twenty-One,

Twenty-Four, Twenty-Five,

Twenty-Eight, Twenty-Nine,

Thirty-Two, Thirty-Three,

Thirty-Four, Thirty-Seven,

and Thirty-Eight)

18 U.S.C. § 2

18 U.S.C. § 371

18 U.S.C. § 554(a)

18 U.S.C. § 922(a)(6)

18 U.S.C. § 924(a)(2)

18 U.S.C. § 924(b)

22 U.S.C. § 2778(b)(2)

22 U.S.C. § 2778(c)

22 C.F.R. § 121.1

22 C.F.R. § 127.1(a)

22 C.F.R. § 127.3

[2] DONALD EFREN FRANCO

(Counts One, Eighteen,

Nineteen, Thirty-Nine

and Forty)

[3] DENIS FRANCO

(Counts One, Two and

Three)

[4] LUIS ARMANDO MONTERROSO PINEDA

(Counts One, Twenty-Two,

Twenty-Three, Twenty-Six

and Twenty-Seven)

[5] EDWING RONAL MORALES

(Counts One, Thirty, Thirty-One,

Thirty-Five and Thirty-Six)

INDICTMENT

The GRAND JURY CHARGES:

At all times material to this Indictment:

INTRODUCTION

1. Fabrique Nationale Herstal, SA (“FNH”), a subsidiary of the Herstal Group, designs, manufactures and distributes firearms and accessories for military, law enforcement and civilian use worldwide. FNH is headquartered in Herstal, Belgium, and is represented in the United States by FNH USA in McLean, Virginia. FNH products include the Model Five-seveN, 5.7 x 28mm semi-automatic pistol.

2. Glock Gessellschaft mbH (“Glock”) designs, manufactures and distributes firearms for military, law enforcement and civilian use worldwide. Glock is headquartered in Deutsch-Wagram, Austria, and is represented in the United States by Glock, Inc. in Smyrna, Georgia. Glock products include the Model 35, .40 caliber semi-automatic pistol and the Model 34, 9mm semi-automatic pistol.

3. Fabbrica d’Armi Pietro Beretta, S.p.A.(“Beretta”), a subsidiary of the Beretta Holding Group, designs, manufactures and distributes firearms and accessories for military, law enforcement and civilian use worldwide. Beretta is headquartered in Gardone Val Trompia, Italy, and is represented in the United States by Beretta USA in Accokeek, Maryland. Beretta products include the Model 90-TWO, 9mm semi-automatic pistol and the Model 90-TWO, .40 caliber semi-automatic pistol.

4. Kimber America (“Kimber”) designs, manufactures and distributes firearms and accessories for military, law enforcement and civilian use worldwide. Kimber is headquartered in Yonkers, New York. Kimber products include the Model Raptor II, .45 caliber semi-automatic pistol

and the Model Patriarch, .45 caliber semi-automatic pistol.

5. Smith & Wesson designs, manufactures and distributes firearms and accessories for military, law enforcement and civilian use worldwide. Smith & Wesson is headquartered in Springfield, Massachusetts. Smith & Wesson products include the Model 642, .38 caliber revolver.

6. The export from, and import into, the United States of arms, munitions and equipment designed for or capable of military use, and related components and technology, is strictly controlled by federal statutes and regulations.

7. The Arms Export Control Act ("AECA"), as amended, and codified at Title 22, United States Code, Sections 2751 to 2799aa-2, authorizes the President to control the export and import of commodities, services and technologies designated as "defense articles" and "defense services" in furtherance of world peace, security and foreign policy interests of the United States. The articles and services so designated constitute the U.S. Munitions List ("USML"), which is published at Title 22, Code of Federal Regulations, Section 121. The AECA gives to the Secretary of State the responsibility and authority to issue export licenses or other written approval for the export of defense articles and services. The President has delegated to the Department of State ("DOS") the authority to designate defense articles and defense services, and to issue regulations governing the licensing of designated materials.

8. The DOS regulations implementing the provisions of the AECA are entitled the International Traffic in Arms Regulations ("ITAR"), Title 22, Code of Federal Regulations, Sections 120 through 130 (Subchapter M). The ITAR provides that individuals or entities seeking to export defense articles or services listed in the USML must first register with and obtain an export license from the DOS Directorate of Defense Trade Controls ("DDTC"). The ITAR identified by category

the defense-related articles and services that are covered by the USML, and establishes the requirements and procedures for registering with and obtaining a license from DDTC for the export of any such materials. Among other requirements, the ITAR requires an applicant for an export license to identify the ultimate and final destination of the goods or services.

9. Category I of the USML covers several classifications of firearms, including non-automatic and semi-automatic firearms up to .50 caliber. The FNH, Model Five-seveN, 5.7 x 28 mm semi-automatic pistol; the Glock, Model 35, .40 caliber semi-automatic pistol and the Model 34, 9mm semi-automatic pistol; the Beretta, Model 90-TWO, 9mm and .40 caliber semi-automatic pistols; the Kimber, Model Raptor II, .45 caliber semi-automatic pistol and the Model Patriarch, .45 caliber semi-automatic pistol; and the Smith & Wesson, Model 642, .38 caliber revolver are covered by Category I of the USML, and are defense articles that could not be exported from the United States without a license issued by the DDTC.

#### COUNT ONE

##### THE GRAND JURY FURTHER CHARGES:

1. The Grand Jury re-alleges and incorporates by reference all the allegations set forth in paragraphs 1 through 9 of the Introduction to this Indictment.

2. Beginning in or about June of 2008, the exact date being unknown to the Grand Jury, and continuing through on or about July 9, 2009, in the Middle District of Tennessee and elsewhere, defendants **JULIO CESAR ROJAS-LOPEZ, DONALD EFREN FRANCO, DENIS FRANCO, LUIS ARMANDO MONTERROSO PINEDA, EDWING RONAL MORALES**, and others known and unknown to the Grand Jury, did knowingly, intentionally and unlawfully combine, conspire, confederate, and agree with each other and with other persons known and unknown to the

Grand Jury, to commit an offense against the United States, to wit: to fraudulently and knowingly receive, conceal, buy and facilitate the transportation, concealment and sale, prior to export from the United States, of merchandise, articles, and objects knowing these to be intended for export, contrary to law and regulations, in violation of Title 18, United States Code, Section 554(a).

A. Objects of the Conspiracy

1. It was an object of the conspiracy to purchase FNH, Glock, Beretta, Kimber, and other semi-automatic pistols, and Smith & Wesson and other revolvers, and ammunition for export to the Republic of Guatemala;

2. It was an object of the conspiracy to conceal from the sellers and law enforcement authorities the true purchaser of the firearms and their ultimate and final use and destination;

3. It was an object of the conspiracy to export FNH, Glock, Beretta, Kimber, and other semi-automatic pistols, Smith & Wesson and other revolvers, and ammunition from the United States to members of the Lorenzana and Mendoza Cartels located in the Republic of Guatemala; and

4. It was an object of the conspiracy to conceal the export of those items from the authorities.

B. Manner and Means to Accomplish the Conspiracy

The manner and means by which the defendants and their co-conspirators would further and accomplish the objects of the conspiracy included, among others, the following:

1. Defendant **JULIO CESAR ROJAS-LOPEZ** communicated by telephone and in person with members of the Lorenzana and Mendoza Drug Cartels who resided in the Republic of Guatemala to discuss when to purchase firearms and ammunition from gun dealers in the Middle District of Tennessee, how many firearms to purchase from gun dealers in the Middle District of

Tennessee, how much ammunition to purchase from gun dealers in the Middle District of Tennessee, and when to smuggle the firearms and ammunition out of the United States to the Republic of Guatemala.

2. Members of the Lorenzana and Mendoza Drug Cartels who resided in the Republic of Guatemala wired substantial sums of money to defendant **JULIO CESAR ROJAS-LOPEZ** in the Middle District of Tennessee for the purchase and export of firearms and ammunition.

3. Defendant **JULIO CESAR ROJAS-LOPEZ** recruited defendants **DONALD EFREN FRANCO, DENIS FRANCO, LUIS ARMANDO MONTERROSO PINEDA,** and **EDWING RONAL MORALES** to go to gun dealers in the Middle District of Tennessee and purchase firearms and ammunition, including FNH, Glock, Beretta, Kimber, and other semi-automatic pistols, and Smith & Wesson, and other revolvers.

4. Defendant **JULIO CESAR ROJAS-LOPEZ** instructed defendants **DONALD EFREN FRANCO, DENIS FRANCO, LUIS ARMANDO MONTERROSO PINEDA,** and **EDWING RONAL MORALES** as to which and how many firearms to attempt to purchase from the gun dealers and what price to pay.

5. Defendant **JULIO CESAR ROJAS-LOPEZ** provided defendants **DONALD EFREN FRANCO, DENIS FRANCO, LUIS ARMANDO MONTERROSO PINEDA,** and **EDWING RONAL MORALES** with money to purchase the firearms and ammunition.

6. Defendants **JULIO CESAR ROJAS-LOPEZ, DONALD EFREN FRANCO, DENIS FRANCO, LUIS ARMANDO MONTERROSO PINEDA,** and **EDWING RONAL MORALES** went to gun dealers in the Middle District of Tennessee and purchased or attempted to purchase FNH, Glock, Beretta, Kimber, and other semi-automatic pistols, and Smith & Wesson, and

other revolvers, and ammunition and made false representations regarding the purchaser, end use or user of the firearms.

7. Defendants **DONALD EFREN FRANCO, DENIS FRANCO, and LUIS ARMANDO MONTERROS PINEDA** delivered the firearms and ammunition they purchased to defendant **JULIO CESAR ROJAS-LOPEZ**.

8. Defendant **JULIO CESAR ROJAS-LOPEZ** concealed the firearms and ammunition in vehicles and in his residence in the Middle District of Tennessee.

9. Defendant **JULIO CESAR ROJAS-LOPEZ**, aided and abetted by others, smuggled the firearms and ammunition out of the United States, including by secreting and concealing them in vehicles that he drove or towed, or had others drive or tow, to the Republic of Guatemala for delivery to members of the Lorenzana and Mendoza Drug Cartels in violation of the export laws.

C. Overt Acts

In furtherance of the conspiracy and to achieve the objects thereof, defendants **JULIO CESAR ROJAS-LOPEZ, DONALD EFREN FRANCO, DENIS FRANCO, LUIS ARMANDO MONTERROSO PINEDA** and **EDWING RONAL MORALES** committed and caused to be committed, among others, the following overt acts in the Middle District of Tennessee:

1. At some time on or before June 18, 2008, defendant **JULIO CESAR ROJAS-LOPEZ** recruited defendant **DENIS FRANCO** to go to gun dealers in the Middle District of Tennessee and purchase firearms and ammunition for him.

2. On or about June 18, 2008, defendant **DENIS FRANCO** purchased a Glock, Model 35, .40 caliber semi-automatic pistol and a Beretta, Model 90-TWO, 9mm semi-automatic pistol from a gun dealer in the Middle District of Tennessee.

3. At some time on or after June 18, 2008, defendant **DENIS FRANCO** turned the firearms over to defendant **JULIO CESAR ROJAS-LOPEZ**.

4. At some time on or after June 18, 2008, defendant **JULIO CESAR ROJAS-LOPEZ** smuggled the firearms out of the United States by secreting and concealing them in a vehicle that he towed to the Republic of Guatemala.

5. On or about July 17, 2008, defendant **JULIO CESAR ROJAS-LOPEZ** purchased an FNH, Model Five-seveN, 5.7 x 28mm semi-automatic pistol from a gun dealer in the Middle District of Tennessee.

6. At some time on or after July 17, 2008, defendant **JULIO CESAR ROJAS-LOPEZ** smuggled the firearm out of the United States by secreting and concealing them in a vehicle that he towed to the Republic of Guatemala.

7. On or about September 16, 2008, defendant **JULIO CESAR ROJAS-LOPEZ** purchased two FNH, Model Five-seveN, 5.7 x 28mm semi-automatic pistols and a Smith & Wesson, Model 642, .38 caliber revolver from a gun dealer in the Middle District of Tennessee.

8. At some time on or after September 16, 2008, defendant **JULIO CESAR ROJAS-LOPEZ** smuggled the firearms out of the United States by secreting and concealing them in a vehicle that he towed to the Republic of Guatemala.

9. On or about October 18, 2008, defendant **JULIO CESAR ROJAS-LOPEZ** purchased a Glock, Model 35, .40 caliber semi-automatic pistol from a gun dealer in the Middle District of Tennessee.

10. At some time on or before October 21, 2008, defendant **JULIO CESAR ROJAS-LOPEZ** recruited defendant **DONALD EFREN FRANCO** to go to gun dealers in the Middle



District of Tennessee and purchase firearms and ammunition for him.

11. On or about October 21, 2008, defendant **DONALD EFREN FRANCO** purchased five FNH, Model Five-seveN, 5.7 x 28mm semi-automatic pistols from a gun dealer in the Middle District of Tennessee.

12. At some time on or after October 21, 2008, defendant **DONALD EFREN FRANCO** turned the firearms over to defendant **JULIO CESAR ROJAS-LOPEZ**.

13. At some time on or after October 21, 2008, defendant **JULIO CESAR ROJAS-LOPEZ** smuggled the firearms out of the United States by secreting and concealing them in a vehicle that he towed to the Republic of Guatemala.

14. At some time on or before December 29, 2008, defendants **JULIO CESAR ROJAS-LOPEZ** and **DONALD EFREN FRANCO** attempted to buy 5.7 x 28mm ammunition from a gun dealer in the Middle District of Tennessee.

15. At some time on or before March 20, 2009, defendant **JULIO CESAR ROJAS-LOPEZ** recruited defendant **LUIS ARMANDO MONTERROSO PINEDA** to go to gun dealers in the Middle District of Tennessee and purchase firearms and ammunition for him.

16. On or about March 20, 2009, defendant **LUIS ARMANDO MONTERROSO PINEDA** purchased two FNH, Model Five-seveN, 5.7 x 28mm semi-automatic pistols from a gun dealer in the Middle District of Tennessee.

17. At some time on or after March 20, 2009, defendant **LUIS ARMANDO MONTERROSO PINEDA** turned the firearms over to defendant **JULIO CESAR ROJAS-LOPEZ**.

18. On or about March 20, 2009, defendants **JULIO CESAR ROJAS-LOPEZ** and

**DONALD EFREN FRANCO** attempted to purchase 5.7 x 28mm ammunition from a gun dealer in the Middle District of Tennessee.

19. On or about March 21, 2009, defendant **LUIS ARMANDO MONTERROSO PINEDA** purchased an FNH, Model Five-seveN, 5.7 x 28mm semi-automatic pistol and two Glock, Model 35, .40 caliber semi-automatic pistols from a gun dealer in the Middle District of Tennessee.

20. At some time on or after March 21, 2009, defendant **LUIS ARMANDO MONTERROSO PINEDA** turned the firearms over to defendant **JULIO CESAR ROJAS-LOPEZ**.

21. At some time on or after March 21, 2009, defendant **JULIO CESAR ROJAS-LOPEZ** smuggled the firearms out of the United States by secreting and concealing them in a vehicle that he towed to the Republic of Guatemala.

22. At some time on or before May 29, 2009, defendant **JULIO CESAR ROJAS-LOPEZ** recruited defendant **EDWING RONAL MORALES** to go to gun dealers in the Middle District of Tennessee and purchase firearms and ammunition for him.

23. On or about May 29, 2009, defendant **EDWING RONAL MORALES** attempted to purchase two Glock, Model 35, .40 caliber semi-automatic pistols and a Glock, Model 34, 9mm semi-automatic pistol from a gun dealer in the Middle District of Tennessee.

24. On or about May 29, 2009, defendant **JULIO CESAR ROJAS-MORALES** purchased a Kimber, Model Raptor II, .45 caliber semi-automatic pistol from an individual in the Middle District of Tennessee.

25. At some time on or after May 29, 2009, defendant **JULIO CESAR ROJAS-LOPEZ** smuggled the firearm out of the United States by secreting and concealing it in a vehicle that he

towed to the Republic of Guatemala.

26. At some time on or before July 8, 2009, persons who resided in the Republic of Guatemala tasked defendant **JULIO CESAR ROJAS-LOPEZ** with obtaining a number of firearms from gun dealers in the Middle District of Tennessee that defendant **JULIO CESAR ROJAS-LOPEZ** would then smuggle out of the United States to the Republic of Guatemala.

27. At some time on or before July 8, 2009, persons who resided in the Republic of Guatemala wired thousands of dollars to the Middle District of Tennessee for defendant **JULIO CESAR ROJAS-LOPEZ** to use for the purchase of the requested firearms.

28. On or about July 8, 2009, defendant **EDWING RONAL MORALES** attempted to purchase a Glock, Model 35, .40 caliber semi-automatic pistol and a Beretta, Model 90-TWO, .40 caliber semi-automatic pistol.

29. On or about July 9, 2009, defendant **JULIO CESAR ROJAS-LOPEZ** purchased a Kimber, Model Patriarch, .45 caliber semi-automatic pistol and a Glock, Model 35, .40 caliber semi-automatic pistol.

30. On or about July 9, 2009, defendant **DONALD FRANCO** purchased an FNH, Model Five-seveN, 5.7 x 28mm semi-automatic pistol and two Glock, Model 34, 9mm semi-automatic pistols.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

THE GRAND JURY FURTHER CHARGES:

On or about June 18, 2008, in the Middle District of Tennessee and elsewhere, defendant **DENIS FRANCO**, aided and abetted by others known and unknown to the Grand Jury, did fraudulently and knowingly buy, receive, conceal and facilitate the transportation, concealment and sale, prior to export from the United States, of merchandise, articles and objects, to wit: a Glock, Model 35, .40 caliber semi-automatic pistol bearing serial number KHG928 and a Beretta, Model 90-TWO, 9mm semi-automatic pistol bearing serial number TX00698, knowing these to be intended for export to Guatemala without having obtained the required license and authorization from the United States Department of State, contrary to the Arms Export Control Act, Title 22, United States Code, Section 2778(b)(2) and (c), and the International Trafficking in Arms Regulations, Title 22, Code of Federal Regulations, Sections 121.3, 123.1 and 127.1.

In violation of Title 18, United States Code, Sections 554(a) and 2.

### COUNT THREE

#### THE GRAND JURY FURTHER CHARGES:

On or about June 18, 2008, in the Middle District of Tennessee and elsewhere, defendant **DENIS FRANCO**, in connection with the acquisition of firearms, to wit: a Glock, Model 35, .40 caliber semi-automatic pistol bearing serial number KHG928 and a Beretta, Model 90-TWO, 9mm semi-automatic pistol bearing serial number TX00698, from the Franklin Gun Shop in Franklin, Tennessee, a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious written statement to the Franklin Gun Shop, which statement was intended and likely to deceive the Franklin Gun Shop, as to a fact material to the lawfulness of such sale of the said firearm to the defendant under Chapter 44, Title 18, United States Code, in that the defendant executed a Department of the Treasury, Bureau of Alcohol, Tobacco, Firearms and Explosives Form 4473, Firearms Transaction Record, and represented that he was the actual buyer of the firearms indicated on the Form 4473, when in fact as the defendant then knew, he was not the actual buyer of the firearms.

In violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

COUNT FOUR

THE GRAND JURY FURTHER CHARGES:

On or about June 18, 2008, in the Middle District of Tennessee and elsewhere, defendant **JULIO CESAR ROJAS-LOPEZ**, did knowingly and willfully export and cause to be exported from the United States to Guatemala, certain defense articles listed in the USML, to wit: a Glock, Model 35, .40 caliber semi-automatic pistol bearing serial number KHG928 and a Beretta, Model 90-TWO, 9mm semi-automatic pistol bearing serial number TX00698, without having first obtained a license or written authorization from the Department of State Directorate of Defense Trade Controls as required by federal law.

In violation of Title 22, United States Code, Section 2778(b)(2) and (c), and Title 22, Code of Federal Regulations, Sections 121.1, 127.1(a), and 127.3.

COUNT FIVE

On or about June 18, 2008, in the Middle District of Tennessee and elsewhere, defendant **JULIO CESAR ROJAS-LOPEZ**, with knowledge and reasonable cause to believe that offenses punishable by imprisonment for a term exceeding one year were to be committed therewith, did transport and receive firearms in interstate commerce, to wit: a Glock, Model 35, .40 caliber semi-automatic pistol bearing serial number KHG928 and a Beretta, Model 90-TWO, 9mm semi-automatic pistol bearing serial number TX00698.

In violation of Title 18, United States Code, Section 924(b).

COUNT SIX

THE GRAND JURY FURTHER CHARGES:

On or about July 17, 2008, in the Middle District of Tennessee and elsewhere, defendant **JULIO CESAR ROJAS-LOPEZ**, aided and abetted by others known and unknown to the Grand Jury, did fraudulently and knowingly buy, receive, conceal and facilitate the transportation, concealment and sale, prior to export from the United States, of merchandise, an article and object, to wit: an FNH, Model Five-seveN, 5.7 x 28mm caliber semi-automatic pistol bearing serial number 386156079, knowing that to be intended for export to Guatemala without having obtained the required license and authorization from the United States Department of State, contrary to the Arms Export Control Act, Title 22, United States Code, Section 2778(b)(2) and (c), and the International Trafficking in Arms Regulations, Title 22, Code of Federal Regulations, Sections 121.3, 123.1 and 127.1.

In violation of Title 18, United States Code, Sections 554(a) and 2.

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES:

On or about July 17, 2008, in the Middle District of Tennessee and elsewhere, defendant **JULIO CESAR ROJAS-LOPEZ**, in connection with the acquisition of a firearm, to wit: an FNH, Model Five-seveN, 5.7 x 28mm caliber semi-automatic pistol bearing serial number 386156079, from the Goodlettsville Gun Shop in Goodlettsville, Tennessee, a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious written statement to the Goodlettsville Gun Shop, which statement was intended and likely to deceive the Goodlettsville Gun Shop, as to a fact material to the lawfulness of such sale of the said firearm to the defendant under Chapter 44, Title 18, United States Code, in that the defendant executed a Department of the Treasury, Bureau of Alcohol, Tobacco, Firearms and Explosives Form 4473, Firearms Transaction Record, and represented that he was the actual buyer of the firearm indicated on the Form 4473, when in fact as the defendant then knew, he was not the actual buyer of the firearm.

In violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).



COUNT EIGHT

THE GRAND JURY FURTHER CHARGES:

On or about July 17, 2008, in the Middle District of Tennessee and elsewhere, defendant **JULIO CESAR ROJAS-LOPEZ**, did knowingly and willfully export and cause to be exported from the United States to Guatemala, a certain defense article listed in the USML, to wit: an FNH, Model Five-seveN, 5.7 x 28mm caliber semi-automatic pistol bearing serial number 386156079, without having first obtained a license or written authorization from the Department of State Directorate of Defense Trade Controls as required by federal law.

In violation of Title 22, United States Code, Section 2778(b)(2) and (c), and Title 22, Code of Federal Regulations, Sections 121.1, 127.1(a), and 127.3.

COUNT NINE

On or about July 17, 2008, in the Middle District of Tennessee and elsewhere, defendant **JULIO CESAR ROJAS-LOPEZ**, with knowledge and reasonable cause to believe that offenses punishable by imprisonment for a term exceeding one year were to be committed therewith, did transport and receive a firearm in interstate commerce, to wit: an FNH, Model Five-seveN, 5.7 x 28mm caliber semi-automatic pistol bearing serial number 386156079.

In violation of Title 18, United States Code, Section 924(b).

COUNT TEN

THE GRAND JURY FURTHER CHARGES:

On or about September 16, 2008, in the Middle District of Tennessee and elsewhere, defendant **JULIO CESAR ROJAS-LOPEZ**, aided and abetted by others known and unknown to the Grand Jury, did fraudulently and knowingly buy, receive, conceal and facilitate the transportation, concealment and sale, prior to export from the United States, of merchandise, articles and objects, to wit: two FNH, Model Five-seveN, 5.7 x 28mm semi-automatic pistols bearing serial numbers 386160264 and 386160263 and a Smith and Wesson, Model 642, .38 caliber revolver bearing serial number DCF8458, knowing these to be intended for export to Guatemala without having obtained the required license and authorization from the United States Department of State, contrary to the Arms Export Control Act, Title 22, United States Code, Section 2778(b)(2) and (c), and the International Trafficking in Arms Regulations, Title 22, Code of Federal Regulations, Sections 121.3, 123.1 and 127.1.

In violation of Title 18, United States Code, Sections 554(a) and 2.

## COUNT ELEVEN

### THE GRAND JURY FURTHER CHARGES:

On or about September 16, 2008, in the Middle District of Tennessee and elsewhere, defendant **JULIO CESAR ROJAS-LOPEZ**, in connection with the acquisition of firearms, to wit: two FNH, Model Five-seveN, 5.7 x 28mm semi-automatic pistols bearing serial numbers 386160264 and 386160263 and a Smith and Wesson, Model 642, .38 caliber revolver bearing serial number DCF8458, from the Goodlettsville Gun Shop in Goodlettsville, Tennessee, a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious written statement to the Goodlettsville Gun Shop, which statement was intended and likely to deceive the Goodlettsville Gun Shop, as to a fact material to the lawfulness of such sale of the said firearm to the defendant under Chapter 44, Title 18, United States Code, in that the defendant executed a Department of the Treasury, Bureau of Alcohol, Tobacco, Firearms and Explosives Form 4473, Firearms Transaction Record, and represented that he was the actual buyer of the firearms indicated on the Form 4473, when in fact as the defendant then knew, he was not the actual buyer of the firearms.

In violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

## COUNT TWELVE

### THE GRAND JURY FURTHER CHARGES:

On or about September 16, 2008, in the Middle District of Tennessee and elsewhere, defendant **JULIO CESAR ROJAS-LOPEZ**, did knowingly and willfully export and cause to be exported from the United States to Guatemala, certain defense articles listed in the USML, to wit: two FNH, Model Five-seveN, 5.7 x 28mm semi-automatic pistols bearing serial numbers 386160264 and 386160263 and a Smith and Wesson, Model 642, .38 caliber revolver bearing serial number DCF8458, without having first obtained a license or written authorization from the Department of State Directorate of Defense Trade Controls as required by federal law.

In violation of Title 22, United States Code, Section 2778(b)(2) and (c), and Title 22, Code of Federal Regulations, Sections 121.1, 127.1(a), and 127.3.

## COUNT THIRTEEN

On or about September 16, 2008, in the Middle District of Tennessee and elsewhere, defendant **JULIO CESAR ROJAS-LOPEZ**, with knowledge and reasonable cause to believe that offenses punishable by imprisonment for a term exceeding one year were to be committed therewith, did transport and receive firearms in interstate commerce, to wit: two FNH, Model Five-seveN, 5.7 x 28mm semi-automatic pistols bearing serial numbers 386160264 and 386160263 and a Smith and Wesson, Model 642, .38 caliber revolver bearing serial number DCF8458.

In violation of Title 18, United States Code, Section 924(b).

COUNT FOURTEEN

THE GRAND JURY FURTHER CHARGES:

On or about October 18, 2008, in the Middle District of Tennessee and elsewhere, defendant **JULIO CESAR ROJAS-LOPEZ**, aided and abetted by others known and unknown to the Grand Jury, did fraudulently and knowingly buy, receive, conceal and facilitate the transportation, concealment and sale, prior to export from the United States, of merchandise, an article and object, to wit: a Glock, Model 35, .40 caliber semi-automatic pistol bearing serial number LWV685, knowing that to be intended for export to Guatemala without having obtained the required license and authorization from the United States Department of State, contrary to the Arms Export Control Act, Title 22, United States Code, Section 2778(b)(2) and (c), and the International Trafficking in Arms Regulations, Title 22, Code of Federal Regulations, Sections 121.3, 123.1 and 127.1.

In violation of Title 18, United States Code, Sections 554(a) and 2.

COUNT FIFTEEN

THE GRAND JURY FURTHER CHARGES:

On or about October 18, 2008, in the Middle District of Tennessee and elsewhere, defendant **JULIO CESAR ROJAS-LOPEZ**, in connection with the acquisition of a firearm, to wit: a Glock, Model 35, .40 caliber semi-automatic pistol bearing serial number LWV685, from Specialty Arms II in Laverne, Tennessee, a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious written statement to Specialty Arms II, which statement was intended and likely to deceive Specialty Arms II, as to a fact material to the lawfulness of such sale of the said firearm to the defendant under Chapter 44, Title 18, United States Code, in that the defendant executed a Department of the Treasury, Bureau of Alcohol, Tobacco, Firearms and Explosives Form 4473, Firearms Transaction Record, and represented that he was the actual buyer of the firearm indicated on the Form 4473, when in fact as the defendant then knew, he was not the actual buyer of the firearm.

In violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

COUNT SIXTEEN

THE GRAND JURY FURTHER CHARGES:

On or about October 18, 2008, in the Middle District of Tennessee and elsewhere, defendant **JULIO CESAR ROJAS-LOPEZ**, did knowingly and willfully export and cause to be exported from the United States to Guatemala, a certain defense article listed in the USML, to wit: a Glock, Model 35, .40 caliber semi-automatic pistol bearing serial number LWV685, without having first obtained a license or written authorization from the Department of State Directorate of Defense Trade Controls as required by federal law.

In violation of Title 22, United States Code, Section 2778(b)(2) and (c), and Title 22, Code of Federal Regulations, Sections 121.1, 127.1(a), and 127.3.

COUNT SEVENTEEN

On or about October 18, 2008, in the Middle District of Tennessee and elsewhere, defendant **JULIO CESAR ROJAS-LOPEZ**, with knowledge and reasonable cause to believe that offenses punishable by imprisonment for a term exceeding one year were to be committed therewith, did transport and receive a firearm in interstate commerce, to wit: a Glock, Model 35, .40 caliber semi-automatic pistol bearing serial number LWV685.

In violation of Title 18, United States Code, Section 924(b).

COUNT EIGHTEEN

THE GRAND JURY FURTHER CHARGES:

On or about October 21, 2008, in the Middle District of Tennessee and elsewhere, defendant **DONALD EFREN FRANCO**, aided and abetted by others known and unknown to the Grand Jury, did fraudulently and knowingly buy, receive, conceal and facilitate the transportation, concealment and sale, prior to export from the United States, of merchandise, articles and objects, to wit: five FNH, Model Five-seveN, 5.7 x 28mm semi-automatic pistols bearing serial numbers 386160557, 386160556, 386160555, 386174744 and 386174745, knowing these to be intended for export to Guatemala without having obtained the required license and authorization from the United States Department of State, contrary to the Arms Export Control Act, Title 22, United States Code, Section 2778(b)(2) and (c), and the International Trafficking in Arms Regulations, Title 22, Code of Federal Regulations, Sections 121.3, 123.1 and 127.1.

In violation of Title 18, United States Code, Sections 554(a) and 2.



COUNT NINETEEN

THE GRAND JURY FURTHER CHARGES:

On or about October 21, 2008, in the Middle District of Tennessee and elsewhere, defendant **DONALD EFREN FRANCO**, in connection with the acquisition of firearms, to wit: five FNH, Model Five-seveN, 5.7 x 28mm semi-automatic pistols bearing serial numbers 386160557, 386160556, 386160555, 386174744 and 386174745, from the Goodlettsville Gun Shop in Goodlettsville, Tennessee, a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious written statement to the Goodlettsville Gun Shop, which statement was intended and likely to deceive the Goodlettsville Gun Shop, as to a fact material to the lawfulness of such sale of the said firearm to the defendant under Chapter 44, Title 18, United States Code, in that the defendant executed a Department of the Treasury, Bureau of Alcohol, Tobacco, Firearms and Explosives Form 4473, Firearms Transaction Record, and represented that he was the actual buyer of the firearms indicated on the Form 4473, when in fact as the defendant then knew, he was not the actual buyer of the firearms.

In violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

COUNT TWENTY

THE GRAND JURY FURTHER CHARGES:

On or about October 21, 2008, in the Middle District of Tennessee and elsewhere, defendant **JULIO CESAR ROJAS-LOPEZ**, did knowingly and willfully export and cause to be exported from the United States to Guatemala, certain defense articles listed in the USML, to wit: five FNH, Model Five-seveN, 5.7 x 28mm semi-automatic pistols bearing serial numbers 386160557, 386160556, 386160555, 386174744 and 386174745, without having first obtained a license or written authorization from the Department of State Directorate of Defense Trade Controls as required by federal law.

In violation of Title 22, United States Code, Section 2778(b)(2) and (c), and Title 22, Code of Federal Regulations, Sections 121.1, 127.1(a), and 127.3.

COUNT TWENTY-ONE

On or about October 21, 2008, in the Middle District of Tennessee and elsewhere, defendant **JULIO CESAR ROJAS-LOPEZ**, with knowledge and reasonable cause to believe that offenses punishable by imprisonment for a term exceeding one year were to be committed therewith, did transport and receive firearms in interstate commerce, to wit: five FNH, Model Five-seveN, 5.7 x 28mm semi-automatic pistols bearing serial numbers 386160557, 386160556, 386160555, 386174744 and 386174745.

In violation of Title 18, United States Code, Section 924(b).

COUNT TWENTY-TWO

THE GRAND JURY FURTHER CHARGES:

On or about March 20, 2009, in the Middle District of Tennessee and elsewhere, defendant **LUIS ARMANDO MONTERROSO PINEDA**, aided and abetted by others known and unknown to the Grand Jury, did fraudulently and knowingly buy, receive, conceal and facilitate the transportation, concealment and sale, prior to export from the United States, of merchandise, articles and objects, to wit: two FNH, Model Five-seveN, 5.7 x 28mm semi-automatic pistols bearing serial numbers 386182362 and 386177980, knowing these to be intended for export to Guatemala without having obtained the required license and authorization from the United States Department of State, contrary to the Arms Export Control Act, Title 22, United States Code, Section 2778(b)(2) and (c), and the International Trafficking in Arms Regulations, Title 22, Code of Federal Regulations, Sections 121.3, 123.1 and 127.1.

In violation of Title 18, United States Code, Sections 554(a) and 2.

COUNT TWENTY-THREE

THE GRAND JURY FURTHER CHARGES:

On or about March 20, 2009, in the Middle District of Tennessee and elsewhere, defendant **LUIS ARMANDO MONTERROSO PINEDA**, in connection with the acquisition of firearms, to wit: two FNH, Model Five-seveN, 5.7 x 28mm semi-automatic pistols bearing serial numbers 386182362 and 386177980, from Bass Pro Shops in Nashville, Tennessee, a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious written statement to Bass Pro Shops, which statement was intended and likely to deceive Bass Pro Shops, as to a fact material to the lawfulness of such sale of the said firearm to the defendant under Chapter 44, Title 18, United States Code, in that the defendant executed a Department of the Treasury, Bureau of Alcohol, Tobacco, Firearms and Explosives Form 4473, Firearms Transaction Record, and represented that he was the actual buyer of the firearms indicated on the Form 4473, when in fact as the defendant then knew, he was not the actual buyer of the firearms.

In violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

COUNT TWENTY-FOUR

THE GRAND JURY FURTHER CHARGES:

On or about March 20, 2009, in the Middle District of Tennessee and elsewhere, defendant **JULIO CESAR ROJAS-LOPEZ**, did knowingly and willfully export and cause to be exported from the United States to Guatemala, certain defense articles listed in the USML, to wit: two FNH, Model Five-seveN, 5.7 x 28mm semi-automatic pistols bearing serial numbers 386182362 and 386177980, without having first obtained a license or written authorization from the Department of State Directorate of Defense Trade Controls as required by federal law.

In violation of Title 22, United States Code, Section 2778(b)(2) and (c), and Title 22, Code of Federal Regulations, Sections 121.1, 127.1(a), and 127.3.

COUNT TWENTY-FIVE

On or about March 20, 2009, in the Middle District of Tennessee and elsewhere, defendant **JULIO CESAR ROJAS-LOPEZ**, with knowledge and reasonable cause to believe that offenses punishable by imprisonment for a term exceeding one year were to be committed therewith, did transport and receive firearms in interstate commerce, to wit: two FNH, Model Five-seveN, 5.7 x 28mm semi-automatic pistols bearing serial numbers 386182362 and 386177980.

In violation of Title 18, United States Code, Section 924(b).

COUNT TWENTY-SIX

THE GRAND JURY FURTHER CHARGES:

On or about March 21, 2009, in the Middle District of Tennessee and elsewhere, defendant **LUIS ARMANDO MONTERROSO PINEDA**, aided and abetted by others known and unknown to the Grand Jury, did fraudulently and knowingly buy, receive, conceal and facilitate the transportation, concealment and sale, prior to export from the United States, of merchandise, articles and objects, to wit: an FNH, Model Five-seveN, 5.7 x 28mm semi-automatic pistol bearing serial number 3861182856 and two Glock, Model 35, .40 caliber semi-automatic pistols bearing serial numbers MKV221 and LKS901, knowing these to be intended for export to Guatemala without having obtained the required license and authorization from the United States Department of State, contrary to the Arms Export Control Act, Title 22, United States Code, Section 2778(b)(2) and (c), and the International Trafficking in Arms Regulations, Title 22, Code of Federal Regulations, Sections 121.3, 123.1 and 127.1.

In violation of Title 18, United States Code, Sections 554(a) and 2.

COUNT TWENTY-SEVEN

THE GRAND JURY FURTHER CHARGES:

On or about March 21, 2009, in the Middle District of Tennessee and elsewhere, defendant **LUIS ARMANDO MONTERROSO PINEDA**, in connection with the acquisition of firearms, to wit: an FNH, Model Five-seveN, 5.7 x 28mm semi-automatic pistol bearing serial number 3861182856 and two Glock, Model 35, .40 caliber semi-automatic pistols bearing serial numbers MKV221 and LKS901, from the Franklin Gun Shop in Franklin, Tennessee, a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious written statement to the Franklin Gun Shop, which statement was intended and likely to deceive the Franklin Gun Shop, as to a fact material to the lawfulness of such sale of the said firearm to the defendant under Chapter 44, Title 18, United States Code, in that the defendant executed a Department of the Treasury, Bureau of Alcohol, Tobacco, Firearms and Explosives Form 4473, Firearms Transaction Record, and represented that he was the actual buyer of the firearms indicated on the Form 4473, when in fact as the defendant then knew, he was not the actual buyer of the firearms.

In violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

COUNT TWENTY-EIGHT

THE GRAND JURY FURTHER CHARGES:

On or about March 21, 2009, in the Middle District of Tennessee and elsewhere, defendant **JULIO CESAR ROJAS-LOPEZ**, did knowingly and willfully export and cause to be exported from the United States to Guatemala, certain defense articles listed in the USML, to wit: an FNH, Model Five-seveN, 5.7 x 28mm semi-automatic pistol bearing serial number 3861182856 and two Glock, Model 35, .40 caliber semi-automatic pistols bearing serial numbers MKV221 and LKS901, without having first obtained a license or written authorization from the Department of State Directorate of Defense Trade Controls as required by federal law.

In violation of Title 22, United States Code, Section 2778(b)(2) and (c), and Title 22, Code of Federal Regulations, Sections 121.1, 127.1(a), and 127.3.

COUNT TWENTY-NINE

On or about March 21, 2009, in the Middle District of Tennessee and elsewhere, defendant **JULIO CESAR ROJAS-LOPEZ**, with knowledge and reasonable cause to believe that offenses punishable by imprisonment for a term exceeding one year were to be committed therewith, did transport and receive firearms in interstate commerce, to wit: an FNH, Model Five-seveN, 5.7 x 28mm semi-automatic pistol bearing serial number 3861182856 and two Glock, Model 35, .40 caliber semi-automatic pistols bearing serial numbers MKV221 and LKS901.

In violation of Title 18, United States Code, Section 924(b).



COUNT THIRTY

THE GRAND JURY FURTHER CHARGES:

On or about May 29, 2009, in the Middle District of Tennessee and elsewhere, defendant **EDWING RONAL MORALES**, aided and abetted by others known and unknown to the Grand Jury, did attempt to fraudulently and knowingly buy, receive, conceal and facilitate the transportation, concealment and sale, prior to export from the United States, of merchandise, articles and objects, to wit: two Glock, Model 35, .40 caliber semi-automatic pistols bearing serial numbers MTP402 and MTP403 and a Glock, Model 34, 9mm semi-automatic pistol bearing serial number MTM397, knowing these to be intended for export to Guatemala without having obtained the required license and authorization from the United States Department of State, contrary to the Arms Export Control Act, Title 22, United States Code, Section 2778(b)(2) and (c), and the International Trafficking in Arms Regulations, Title 22, Code of Federal Regulations, Sections 121.3, 123.1 and 127.1.

In violation of Title 18, United States Code, Sections 554(a) and 2.

COUNT THIRTY-ONE

THE GRAND JURY FURTHER CHARGES:

On or about May 29, 2009, in the Middle District of Tennessee and elsewhere, defendant **EDWING RONAL MORALES**, in connection with the attempted acquisition of firearms, to wit: two Glock, Model 35, .40 caliber semi-automatic pistols bearing serial numbers MTP402 and MTP403 and a Glock, Model 34, 9mm semi-automatic pistol bearing serial number MTM397, from Guns and Leather in Greenbrier, Tennessee, a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious written statement to Guns and Leather, which statement was intended and likely to deceive Guns and Leather, as to a fact material to the lawfulness of such sale of the said firearm to the defendant under Chapter 44, Title 18, United States Code, in that the defendant executed a Department of the Treasury, Bureau of Alcohol, Tobacco, Firearms and Explosives Form 4473, Firearms Transaction Record, and represented that he was the actual buyer of the firearms indicated on the Form 4473, when in fact as the defendant then knew, he was not the actual buyer of the firearms.

In violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

### COUNT THIRTY-TWO

#### THE GRAND JURY FURTHER CHARGES:

On or about May 29, 2009, in the Middle District of Tennessee and elsewhere, defendants **JULIO CESAR ROJAS-LOPEZ**, aided and abetted by others known and unknown to the Grand Jury, did fraudulently and knowingly buy, receive, conceal and facilitate the transportation, concealment and sale, prior to export from the United States, of merchandise, an article and object, to wit: a Kimber, Model Raptor II, .45 caliber semi-automatic pistol bearing serial number K164609, knowing that to be intended for export to Guatemala without having obtained the required license and authorization from the United States Department of State, contrary to the Arms Export Control Act, Title 22, United States Code, Section 2778(b)(2) and (c), and the International Trafficking in Arms Regulations, Title 22, Code of Federal Regulations, Sections 121.3, 123.1 and 127.1.

In violation of Title 18, United States Code, Sections 554(a) and 2.

### COUNT THIRTY-THREE

#### THE GRAND JURY FURTHER CHARGES:

On or about May 29, 2009, in the Middle District of Tennessee and elsewhere, defendant **JULIO CESAR ROJAS-LOPEZ**, did knowingly and willfully export and cause to be exported from the United States to Guatemala, a certain defense article listed in the USML, to wit: a Kimber, Model Raptor II, .45 caliber semi-automatic pistol bearing serial number K164609, without having first obtained a license or written authorization from the Department of State Directorate of Defense Trade Controls as required by federal law.

In violation of Title 22, United States Code, Section 2778(b)(2) and (c), and Title 22, Code of Federal Regulations, Sections 121.1, 127.1(a), and 127.3.

COUNT THIRTY-FOUR

On or about May 29, 2009, in the Middle District of Tennessee and elsewhere, defendant **JULIO CESAR ROJAS-LOPEZ**, with knowledge and reasonable cause to believe that offenses punishable by imprisonment for a term exceeding one year were to be committed therewith, did transport and receive a firearm in interstate commerce, to wit: a Kimber, Model Raptor II, .45 caliber semi-automatic pistol bearing serial number K164609.

In violation of Title 18, United States Code, Section 924(b).

COUNT THIRTY-FIVE

THE GRAND JURY FURTHER CHARGES:

On or about July 8, 2009, in the Middle District of Tennessee and elsewhere, defendant **EDWING RONAL MORALES**, aided and abetted by others known and unknown to the Grand Jury, did attempt to fraudulently and knowingly buy, receive, conceal and facilitate the transportation, concealment and sale, prior to export from the United States, of merchandise, articles and objects, to wit: a Glock, Model 35, .40 caliber semi-automatic pistol bearing serial number MTP402 and a Beretta, Model 90-TWO, .40 caliber semi-automatic pistol bearing serial number TX06135, knowing these to be intended for export to Guatemala without having obtained the required license and authorization from the United States Department of State, contrary to the Arms Export Control Act, Title 22, United States Code, Section 2778(b)(2) and (c), and the International Trafficking in Arms Regulations, Title 22, Code of Federal Regulations, Sections 121.3, 123.1 and 127.1.

In violation of Title 18, United States Code, Sections 554(a) and 2.

COUNT THIRTY-SIX

THE GRAND JURY FURTHER CHARGES:

On or about July 8, 2009, in the Middle District of Tennessee and elsewhere, defendant **EDWING RONAL MORALES**, in connection with the attempted acquisition of firearms, to wit: a Glock, Model 35, .40 caliber semi-automatic pistol bearing serial number MTP402 and a Beretta, Model 90-TWO, .40 caliber semi-automatic pistol bearing serial number TX06135, from Guns and Leather in Greenbriar, Tennessee, a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious written statement to Guns and Leather, which statement was intended and likely to deceive Guns and Leather, as to a fact material to the lawfulness of such sale of the said firearm to the defendant under Chapter 44, Title 18, United States Code, in that the defendant executed a Department of the Treasury, Bureau of Alcohol, Tobacco, Firearms and Explosives Form 4473, Firearms Transaction Record, and represented that he was the actual buyer of the firearms indicated on the Form 4473, when in fact as the defendant then knew, he was not the actual buyer of the firearms.

In violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

COUNT THIRTY-SEVEN

THE GRAND JURY FURTHER CHARGES:

On or about July 9, 2009, in the Middle District of Tennessee and elsewhere, defendant **JULIO CESAR ROJAS-LOPEZ**, aided and abetted by others known and unknown to the Grand Jury, did fraudulently and knowingly buy, receive, conceal and facilitate the transportation, concealment and sale, prior to export from the United States, of merchandise, articles and objects, to wit: a Kimber, Model Patriarch, .45 caliber semi-automatic pistol bearing serial number KPTR125 and a Glock, Model 35, .40 caliber semi-automatic pistol bearing serial number MTP456, knowing these to be intended for export to Guatemala without having obtained the required license and authorization from the United States Department of State, contrary to the Arms Export Control Act, Title 22, United States Code, Section 2778(b)(2) and (c), and the International Trafficking in Arms Regulations, Title 22, Code of Federal Regulations, Sections 121.3, 123.1 and 127.1.

In violation of Title 18, United States Code, Sections 554(a) and 2.

COUNT THIRTY-EIGHT

THE GRAND JURY FURTHER CHARGES:

On or about July 9, 2009, in the Middle District of Tennessee and elsewhere, defendant **JULIO CESAR ROJAS-LOPEZ**, in connection with the acquisition of firearms, to wit: a Kimber, Model Patriarch, .45 caliber semi-automatic pistol bearing serial number KPTR125 and a Glock, Model 35, .40 caliber semi-automatic pistol bearing serial number MTP456, from the Franklin Gun Shop in Franklin, Tennessee, a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious written statement to the Franklin Gun Shop, which statement was intended and likely to deceive the Franklin Gun Shop, as to a fact material to the lawfulness of such sale of the said firearm to the defendant under Chapter 44, Title 18, United States Code, in that the defendant executed a Department of the Treasury, Bureau of Alcohol, Tobacco, Firearms and Explosives Form 4473, Firearms Transaction Record, and represented that he was the actual buyer of the firearms indicated on the Form 4473, when in fact as the defendant then knew, he was not the actual buyer of the firearms.

In violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

COUNT THIRTY-NINE

THE GRAND JURY FURTHER CHARGES:

On or about July 9, 2009, in the Middle District of Tennessee and elsewhere, defendant **DONALD EFREN FRANCO**, aided and abetted by others known and unknown to the Grand Jury, did fraudulently and knowingly buy, receive, conceal and facilitate the transportation, concealment and sale, prior to export from the United States, of merchandise, articles and objects, to wit: an FNH, Model Five-sevenN, 5.7 x 28mm semi-automatic pistol bearing serial number 386189529 and two Glock, Model 34, 9mm semi-automatic pistols bearing serial numbers MEP432 and MTN391, knowing these to be intended for export to Guatemala without having obtained the required license and authorization from the United States Department of State, contrary to the Arms Export Control Act, Title 22, United States Code, Section 2778(b)(2) and (c), and the International Trafficking in Arms Regulations, Title 22, Code of Federal Regulations, Sections 121.3, 123.1 and 127.1.

In violation of Title 18, United States Code, Sections 554(a) and 2.



COUNT FORTY

THE GRAND JURY FURTHER CHARGES:

On or about July 9, 2009, in the Middle District of Tennessee and elsewhere, defendant **DONALD EFREN FRANCO**, in connection with the acquisition of firearms, to wit: an FNH, Model Five-seveN, 5.7 x 28mm semi-automatic pistol bearing serial number 386189529 and two Glock, Model 34, 9mm semi-automatic pistols bearing serial numbers MEP432 and MTN391, from the Franklin Gun Shop, a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious written statement to the Franklin Gun Shop, which statement was intended and likely to deceive the Franklin Gun Shop, as to a fact material to the lawfulness of such sale of the said firearm to the defendant under Chapter 44, Title 18, United States Code, in that the defendant executed a Department of the Treasury, Bureau of Alcohol, Tobacco, Firearms and Explosives Form 4473, Firearms Transaction Record, and represented that he was the actual buyer of the firearms indicated on the Form 4473, when in fact as the defendant then knew, he was not the actual buyer of the firearms.

In violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

A TRUE BILL

FOREPERSON

  
EDWARD M. YARBROUGH  
UNITED STATES ATTORNEY

  
TOM KENT  
ASSISTANT UNITED STATES ATTORNEY