IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION 2006 DEC 20 AM 11: 33

UNITED STATES OF AMERICA,

Plaintiff,

VS.

BENITO HERNANDEZ, (1) HERMINIO HERNANDEZ, (2) SANDRA SAENZ, (3) JOANNETTE GONZALES, (4)

Defendants.

SAUGURIAL NO SAUGE CRURICY COUNTY REPORT OF THE PRINTY CLERK

[Vio: Ct. 1: 18 U.S.C. § 922(a)(6) - False statement during firearms acquisition; Cts. 2-4: 18 U.S.C. § 922(a)(6) - False statement during firearms acquisition and

18 U.S.C. § 2, Aiding and Abetting]

THE GRAND JURY CHARGES:

<u>COUNT ONE</u> [18 U.S.C. § 922(a)(6)]

That on or about December 23, 2005, within the Western District of Texas, the Defendant,

BENITO HERNANDEZ, (1)

in connection with the acquisition of firearms, from various federally licensed firearms dealers, knowingly made false and fictitious written statements to these federally licensed firearms dealers, which statements were likely to deceive these federally licensed firearms dealers, as to a fact material to the lawfulness of such acquisition of the said firearms to the defendant under Chapter 44 of Title 18, in that the defendant represented that he was the actual buyer of the firearms indicated on the ATF 4473 forms, although he was not the actual buyer of the firearms as indicated on the forms, in violation of Title 18, United States Code, Section 922(a)(6).

COUNT TWO [18 U.S.C. §§ 922(a)(6) and 2]

That on or about February 26, 2006, within the Western District of Texas, the Defendants,

BENITO HERNANDEZ, (1) HERMINIO HERNANDEZ, (2) and SANDRA SAENZ, (3)

each aiding and abetting the other, in connection with the acquisition of firearms, from various federally licensed firearms dealers, knowingly made false and fictitious written statements to these federally licensed firearms dealers, which statements were likely to deceive these federally licensed firearms dealers, as to a fact material to the lawfulness of such acquisition of the said firearms to the defendant under Chapter 44 of Title 18, in that the defendant represented that he was the actual buyer of the firearms indicated on the ATF 4473 forms, although he was not the actual buyer of the firearms as indicated on the forms, in violation of Title 18, United States Code, Sections 2 and 922(a)(6).

COUNT THREE [18 U.S.C. §§ 922(a)(6) and 2]

That on or about April 12, 2006, within the Western District of Texas, the Defendants,

BENITO HERNANDEZ, (1) and JOANETTE GONZALES, (4)

each aiding and abetting the other, in connection with the acquisition of firearms, from various federally licensed firearms dealers, knowingly made false and fictitious written statements to these federally licensed firearms dealers, which statements were likely to deceive these federally licensed firearms dealers, as to a fact material to the lawfulness of such acquisition of the said firearms to the defendant under Chapter 44 of Title 18, in that the defendant represented that he was the actual buyer of the firearms indicated on the ATF 4473 forms, although he was not the actual buyer of the firearms as indicated on the forms, in violation of Title 18, United States Code, Sections 2 and 922(a)(6).

COUNT FOUR [18 U.S.C. §§ 922(a)(6) and 2]

That on or about June 20, 2006, within the Western District of Texas, the Defendants,

BENITO HERNANDEZ, (1) and JOANETTE GONZALES, (4)

each aiding and abetting the other, in connection with the acquisition of firearms, from various federally licensed firearms dealers, knowingly made false and fictitious written statements to these federally licensed firearms dealers, which statements were likely to deceive these federally licensed firearms dealers, as to a fact material to the lawfulness of such acquisition of the said firearms to the defendant under Chapter 44 of Title 18, in that the defendant represented that he was the actual buyer of the firearms indicated on the ATF 4473 forms, although he was not the actual buyer of the firearms as indicated on the forms, in violation of Title 18, United States Code, Sections 2 and 922(a)(6).

A TRUE BILL.

FOREPERSON OF THE GRAND JURY

JOHNNY SUTTON

UNITED STATES ATTORNEY

BY:

ERALD H MATHENY

Special Assistant United States Attorney