



### **MANNER AND MEANS OF THE CONSPIRACY**

1. It was part of the conspiracy that, a conspirator, would recruit individuals, which included the defendant, **GILBERTO LEAL**, to purchase firearms for others.

2. It was further part of the conspiracy that, a conspirator, would provide the money for the purchase of the firearms and instruct **GILBERTO LEAL** which firearms to purchase.

3. It was further part of the conspiracy that the purchaser of the firearms, **GILBERTO LEAL**, would acquire and attempt to acquire firearms from licensed dealers by knowingly making false and fictitious statements and representations with respect to the information required to be kept in the records of a licensed dealer under Chapter 44 of Title 18, United States Code.

4. Finally, it was also part of the conspiracy that the **GILBERTO LEAL** would then give the firearm to said conspirator who would further provide the firearms to another.

### **OVERT ACTS**

1. On or about March 14, May 1 and 6, July 28, August 1, 4, 25 and 29, September 8, 16 and 30, of 2008, a conspirator, provided money to defendant, **GILBERTO LEAL**, for the purchase of firearms;
2. On or about March 14, May 1 and 6, July 28, August 1, 4, 25 and 29, September 8, 16 and 30, of 2008, the defendant, **GILBERTO LEAL** executed an entry in a Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives Form 4473 (Firearms Transaction Record);

3. On or about March 14, May 1, August 29, and September 30, of 2008, the defendant, **GILBERTO LEAL**, purchased firearms, from Chuck's Gun Shop, by knowingly making a false statement and representation;
4. On or about March 22, and September 16, of 2008, the defendant, **GILBERTO LEAL**, purchased firearms, from Glick Twins, by knowingly making a false statement and representation;
5. On or about May 6 and August 1, of 2008, the defendant, **GILBERTO LEAL**, purchased firearms, from Academy (Brownsville), by knowingly making a false statement and representation;
6. On or about July 28 and August 4, of 2008, the defendant, **GILBERTO LEAL**, purchased firearms, from Academy (McAllen), by knowingly making a false statement and representation;
7. On or about August 25 and September 16, of 2008, the defendant, **GILBERTO LEAL**, purchased firearms, from Johnny's True Value, by knowingly making a false statement and representation; and
8. On or about September 8, of 2008, the defendant, **GILBERTO LEAL**, purchased firearms, from Danny's Pawn and Sporting Goods, by knowingly making a false statement and representation.

In violation of Title 18, United States Code, Sections 371, 922(a)(6), and 924(a)(1)(A).

**COUNTS 2 to 3 - MAKING FALSE REPRESENTATION IN RECORD**

On or about the dates indicated for the individual counts below, in the Southern District of Texas and within the jurisdiction of the court, the defendant,

**GILBERTO LEAL,**

knowingly made a false statement and representation with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Chuck's Gun Shop, a person licensed under the provisions of Chapter 44 of Title 18, United States Code, in that GILBERTO LEAL, did execute a Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives Form 4473, Firearms Transaction Record, to the effect that he was the actual buyer of a firearm, whereas in truth and in fact, he was acquiring it for another individual.

**Count Two:** March 14, 2008, two High Standard, Model HSA-15, .223 caliber rifles, serial numbers 02380 and 02737.

**Count Three:** September 30, 2008, one Beretta, Model 92FS, 9mm pistol, serial number BER475781.

In violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.

**COUNT 4 - MAKING FALSE REPRESENTATION IN RECORD**

On or about the date indicated for the individual count below, in the Southern District of Texas and within the jurisdiction of the court, the defendant,

**GILBERTO LEAL,**

knowingly made a false statement and representation with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records

of Glick Twins, a person licensed under the provisions of Chapter 44 of Title 18, United States Code, in that GILBERTO LEAL, did execute a Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives Form 4473, Firearms Transaction Record, to the effect that he was the actual buyer of a firearm, whereas in truth and in fact, he was acquiring it for another individual.

**Count Four:** March 22, 2008, two DPMS, Pantherlite Model, .223 caliber rifles, serial numbers FH17188 and FH17541.

In violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.

**COUNT 5 - MAKING FALSE REPRESENTATION IN RECORD**

On or about the date indicated for the individual count below, in the Southern District of Texas and within the jurisdiction of the court, the defendant,

**GILBERTO LEAL,**

knowingly made a false statement and representation with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Academy, a person licensed under the provisions of Chapter 44 of Title 18, United States Code, in that GILBERTO LEAL, did execute a Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives Form 4473, Firearms Transaction Record, to the effect that he was the actual buyer of a firearm, whereas in truth and in fact, he was acquiring it for another individual.

**Count Five:** August 1, 2008, one Bushmaster, BLW VMF16.M4 ORG Model, .223 caliber rifle, serial number L478376, and one Smith and Wesson, MP 150 R Model, .223 caliber rifle, serial number SW79542.

In violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.

A TRUE BILL:

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FOREPERSON OF THE GRAND JURY

TIM JOHNSON  
UNITED STATES ATTORNEY



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OSCAR PONCE  
Assistant United States Attorney