

CLERK US DISTRICT COURT  
NORTHERN DIST. OF TX  
FILED

2011 MAR 23 PM 2:25

DEPUTY CLERK *[Signature]*

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

UNITED STATES OF AMERICA

§  
§  
§  
§  
§  
§

v.

No.

RANFERI OSORIO (01)

OTILIO OSORIO (02)

KELVIN LEON MORRISON (03)

**8-11CR0084-L**

INDICTMENT

The Grand Jury Charges:

Counts One through Four

Acquiring a Firearm from a Licensed Dealer

by False or Fictitious Statement

(Violation of 18 U.S.C. §§ 922(a)(6), 924(a)(2), and 2)

**Introduction**

At all times material to this indictment:

1. 18 U.S.C. § 922(a)(6) makes it a crime for anyone to make a false or fictitious oral or written statement to a licensed firearm dealer in order to buy a firearm. The elements of this offense are: (1) that the defendant made a false or fictitious oral or written statement while acquiring a firearm from a licensed dealer; (2) that the defendant knew that the statement was false or fictitious; and (3) that the statement was intended or was likely to deceive the dealer about a material fact, that is, one which would affect the legality of the sale to the defendant. 18 U.S.C. § 2 punishes anyone who (1) commits an

offense against the United States; (2) aids, abets, counsels, commands, induces, or procures another to commit an offense against the United States; or (3) willfully causes an act to be done which if directly done by him or another would be an offense against the United States.

2. The term “firearm” means any weapon that will or is designed to or may readily be converted to expel a projectile by the action of an explosive. The term “firearm” also includes the frame or receiver of any such weapon, or any firearm muffler or receiver of any such weapon, or destructive device. A statement is “false or fictitious” if it was untrue when made and was then known to be untrue by the person making it. A false statement is “likely to deceive” if the nature of the statement, considering all of the surrounding circumstances at the time it is made, is such that a reasonable person of ordinary prudence would have been actively deceived or misled.

3. Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”) Form 4473 must be completed by the prospective buyer to affect the sale of a firearm from a licensed firearm dealer. Specifically, Question 11a requires the prospective buyer to certify – under penalty of law – whether he or she is “the actual transferee/buyer of the firearm(s) listed on this form,” which is a fact material to the lawfulness of the firearm sale. If a person buys a firearm for someone else but claims that he or she is “the actual transferee/buyer of the listed firearm(s),” the firearm acquisition is called a “straw purchase” and this conduct is also called “lying and buying,” which is a violation of 18

U.S.C. § 922(a)(6).

4. The Gun Zone, B & S Guns, Southwest Ammunition Supply, CYA LLC, Off Duty Enterprise, Inc., Military Gun Supply, and Bachman Pawn and Guns were federally licensed firearm dealers in the Northern District of Texas.

#### **The Criminal Scheme and its Purpose**

5. Beginning on or about July 2010, and continuing through at least November 2010, in the Dallas Division of the Northern District of Texas, and elsewhere, the defendants, **Ranferi Osorio, Otilio Osorio, and Kelvin Leon Morrison**, aiding, abetting, counseling, commanding, inducing, and procuring one another, did knowingly make a false statement while acquiring a firearm from a licensed dealer and that the statement was intended and was likely to deceive about a material fact – one which would affect the legality of the firearm sale. The defendants' purpose was to acquire firearms that they intended to transfer to others. During this period the defendants unlawfully purchased at least 10 weapons – each meeting the definition of a “firearm” set forth in Paragraph 2 – from licensed firearm dealers.

#### **Execution of the Criminal Scheme**

6. On or about the dates listed below, **Ranferi Osorio, Otilio Osorio, and Kelvin Leon Morrison**, for the purpose of executing and attempting to execute the above-described criminal scheme, while aiding, abetting, counseling, commanding, inducing, and procuring one another, did knowingly make a false statement while

acquiring a firearm from a licensed dealer and that the statement was intended and was likely to deceive about a material fact – one which would affect the legality of the firearm sale – as set out in each Count below:

<b>Count</b>	<b>Date</b>	<b>Licensed Dealer</b>	<b>Firearms(s)</b>
One	July 10, 2010	The Gun Zone	<p>Romarm, Model WASR-10, 7.62x39 caliber rifle, serial number 1970C00783</p> <p>Romarm, Model WASR-10, 7.62x39 caliber rifle, serial number SI27701988</p> <p>Romarm, Model WASR-10, 7.62x39 caliber rifle, serial number 1993AFA2143</p> <p>Romarm, Model WASR-10, 7.62x39 caliber rifle, serial number TF98841994</p>
Two	July 30, 2010	The Gun Zone	<p>Romarm, Model WASR-10, 7.62x39 caliber rifle, serial number 1969BM0861</p> <p>Romarm, Model WASR-10, 7.62x39 caliber rifle, serial number 1973FA1408</p>
Three	November 4, 2010	Military Gun Supply	<p>Romarm, Model Draco, 7.62x39 caliber pistol, serial number 1968BF1710</p> <p>Romarm, Model Draco, 7.62x39 caliber pistol, serial number 1968BF4031</p>

Four	November 4, 2010	Bachman Pawn and Guns	Romarm, Model Draco, 7.62x39 caliber pistol, serial number 1968BF1000  Romarm, Model WASR-10, 7.62x39 caliber rifle, serial number 1983AH2039
------	------------------	--------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------

In violation of 18 U.S.C. §§ 922(a)(6), 924(a)(2), and 2.



Count Five

Conspiracy to Acquire a Firearm from a  
Licensed Dealer by False or Fictitious Statement  
(Violation of 18 U.S.C. § 371)

On or about July 2010, and continuing through at least November 2010, in the Dallas Division of the Northern District of Texas, and elsewhere, **Ranferi Osorio, Otilio Osorio, and Kelvin Leon Morrison** did knowingly, intentionally and unlawfully combine, conspire, confederate, and agree together with other persons known and unknown to the Grand Jury, to commit a certain offense against the United States, to-wit: Acquire a Firearm from a Licensed Dealer by a False or Fictitious Oral or Written Statement Intended or Likely to Deceive the Dealer with Respect to any Fact Material to the Lawfulness of the Firearm Sale, in violation of 18 U.S.C. § 922(a)(6).

OBJECTS OF THE CONSPIRACY

It was part of the conspiracy that **Ranferi Osorio, Otilio Osorio, and Kelvin Leon Morrison** and others discussed and planned with each other the acquisition of firearms from federally licensed firearm dealers by false or fictitious statements intended or likely to deceive the dealers with respect to any fact material to the lawfulness of the firearm sales.

MANNER AND MEANS

It was part of the conspiracy that **Ranferi Osorio, Otilio Osorio, Kelvin Leon Morrison** and others formulated a plan and agreement which, among other things, included:

- a. the selection of the licensed dealers;
- b. the selection of the type of firearms to be purchased;
- c. the acquisition of firearms from licensed dealers;
- d. the use of false and fictitious oral and written statements intended to deceive the dealers with respect to any fact material to the lawfulness of the firearm sales;
- e. falsely answering "Yes" to Question 11a on Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF") Form 4473 in that the buyer attests – under penalty of law – that he is "the actual transferee/buyer of the firearm(s) listed on this form," which is a fact material to the lawfulness of a firearm sale;
- f. the removal and obliteration of the importers' or manufacturers' serial numbers from the firearms to avoid detection and apprehension by law enforcement; and
- g. the subsequent transfer of the firearms to others.

OVERT ACTS IN FURTHERANCE OF THE CONSPIRACY

a. On or about July 10, 2010, July 30, 2010, August 11, 2010, and August 13, 2010, **Ranferi Osorio, Otilio Osorio, and Kelvin Leon Morrison** and others bought from The Gun Zone a total of nine 7.62x39 caliber firearms and two .223 caliber firearms and falsely answered "Yes" to Question 11a on each respective ATF Form 4473 in that the buyer attested – under penalty of law – that he was "the actual transferee/buyer of the firearm(s)" listed – a fact material to the lawfulness of the firearm sales – while knowing that this statement was false.

b. On or about August 9, 2010, **Ranferi Osorio, Otilio Osorio, and Kelvin Leon Morrison** and others bought from B & S Guns two 7.62x39 caliber firearms and falsely answered “Yes” to Question 11a on ATF Form 4473 in that the buyer attested – under penalty of law – that he was “the actual transferee/buyer of the firearm(s)” listed – a fact material to the lawfulness of the firearm sales – while knowing that this statement was false.

c. On or about August 14, 2010, **Ranferi Osorio, Otilio Osorio, and Kelvin Leon Morrison** and others bought from Southwest Ammunition Supply two 7.62x39 caliber firearms and falsely answered “Yes” to Question 11a on ATF Form 4473 in that the buyer attested – under penalty of law – that he was “the actual transferee/buyer of the firearm(s)” listed – a fact material to the lawfulness of the firearm sales – while knowing that this statement was false.

d. On or about September 2, 2010, **Ranferi Osorio, Otilio Osorio, and Kelvin Leon Morrison** and others bought from CYA LLC six 7.62x39 caliber firearms and falsely answered “Yes” to Question 11a on ATF Form 4473 in that the buyer attested – under penalty of law – that he was “the actual transferee/buyer of the firearm(s)” listed – a fact material to the lawfulness of the firearm sales – while knowing that this statement was false.

e. On or about October 10, 2010, **Ranferi Osorio, Otilio Osorio, and Kelvin Leon Morrison** and others bought from Off Duty Enterprise, Inc. a 7.62x39 caliber



firearm and falsely answered “Yes” to Question 11a on ATF Form 4473 in that the buyer attested – under penalty of law – that he was “the actual transferee/buyer of the firearm(s)” listed – a fact material to the lawfulness of the firearm sales – while knowing that this statement was false.

f. On or about November 4, 2010, **Ranferi Osorio, Otilio Osorio, and Kelvin Leon Morrison** and others bought from Military Gun Supply two 7.62x39 caliber firearms and falsely answered “Yes” to Question 11a on ATF Form 4473 in that the buyer attested – under penalty of law – that he was “the actual transferee/buyer of the firearm(s)” listed – a fact material to the lawfulness of the firearm sales – while knowing that this statement was false.

g. On or about November 4, 2010, **Ranferi Osorio, Otilio Osorio, and Kelvin Leon Morrison** and others bought from Bachman Pawn and Guns two 7.62x39 caliber firearms and falsely answered “Yes” to Question 11a on ATF Form 4473 in that the buyer attested – under penalty of law – that he was “the actual transferee/buyer of the firearm(s)” listed – a fact material to the lawfulness of the firearm sale – while knowing that this statement was false.

In violation of 18 U.S.C. § 371.

Count Six  
Possession of a Firearm  
Bearing a Removed or Obliterated Serial Number  
(Violation of 18 U.S.C. §§ 922(k), 924(a)(1)(B), and 2)

On or about November 9, 2010, in the Dallas Division of the Northern District of Texas, the defendants, **Ranferi Osorio and Otilio Osorio**, aiding and abetting one another, did knowingly possess a firearm, to wit: twelve Romarm, Model Draco, 7.62x39 caliber pistols, which have had the importer's or manufacturer's serial numbers removed and obliterated and have at any time been shipped and transported in interstate and foreign commerce.

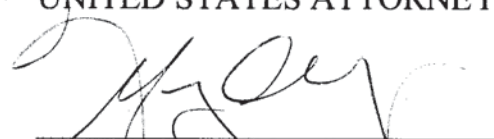
In violation of 18 U.S.C. §§ 922(k), 924(a)(1)(B), and 2.

A TRUE BILL.



FOREPERSON

JAMES T. JACKS  
UNITED STATES ATTORNEY



Gary C. Tromblay  
Assistant United States Attorney  
Louisiana Bar Roll No. 22665  
1100 Commerce Street, Third Floor  
Dallas, Texas 75242-1699  
Tel: 214.659.8600  
Fax: 214.767.4913  
E-mail: gary.tromblay@usdoj.gov

CLERK US DISTRICT COURT  
NORTHERN DIST. OF TX  
FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

2011 MAR 23 PM 2:24

DEPUTY CLERK *[Signature]*

THE UNITED STATES OF AMERICA

v.

RANFERI OSORIO (01)  
OTILIO OSORIO (02)  
KELVIN LEON MORRISON (03)

**3 - 11 CR 0084 - L**

INDICTMENT

18 U.S.C. §§ 922(a)(6), 924(a)(2), and 2  
Acquiring a Firearm from a Licensed Dealer by False or Fictitious Statement

18 U.S.C. § 371  
Conspiracy to Acquire a Firearm from a Licensed  
Dealer by False or Fictitious Statement

18 U.S.C. §§ 922(k) 924(a)(1), and 2  
Possession of a Firearm  
Bearing a Removed or Obliterated Serial Number

6 Counts

A true bill rendered

*[Signature]*

DALLAS

Filed in open court this 23 day of March 23 A.D. 2011

Clerk

No Warrants to be issued

UNITED STATES MAGISTRATE/ DISTRICT JUDGE  
Magistrate Complaint #3-11-MJ-067 Pending

*[Signature]*

3-11-CR-0084-L

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

Related Case Information

Superseding Indictment:  Yes  No    New Defendant:  Yes  No

Pending CR Case in NDTX:  Yes  No    If Yes, number: \_\_\_\_\_

Search Warrant Case Number \_\_\_\_\_

R 20 from District of \_\_\_\_\_

Magistrate Case Number: 3-11-MJ-067

1. Defendant Information

Juvenile:  Yes  No

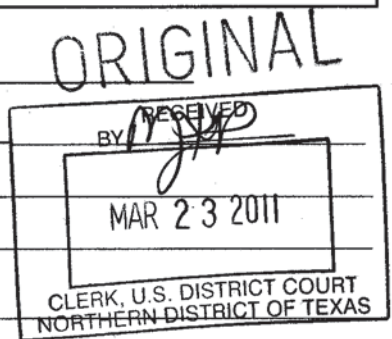
If Yes, Matter to be sealed:  
 Yes  No

Defendant Name RANFERI OSORIO (01)

Alias Name \_\_\_\_\_

Address \_\_\_\_\_

County in which offense was committed: \_\_\_\_\_



2. U.S. Attorney Information

AUSA GARY C. TROMBLAY

Bar # LA Bar Roll No. 22665

3. Interpreter

Yes  No    If Yes, list language and/or dialect: \_\_\_\_\_

4. Location Status

Arrest Date - NO WARRANT NEEDED

Already in Federal Custody

Already in State Custody

On Pretrial Release

5. U.S.C. Citations

Total # of Counts as to This Defendant: **6**     Petty     Misdemeanor     Felony

Citation	Description of Offense Charged	Count(s)
18 U.S.C. §§ 922(a)(6), 924(a)(2), and 2	Acquiring a Firearm from a Licensed Dealer by False or Fictitious Statement	1-4
18 U.S.C. § 371	Conspiracy to Acquire a Firearm from a Licensed Dealer by False or Fictitious Statement	5

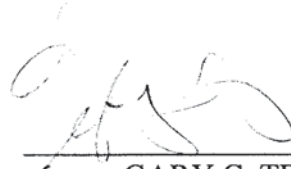
18 U.S.C. §§ 922(k)  
924(a)(1), and 2

Possession of a Firearm  
Bearing a Removed or Obliterated  
Serial Number

6

March 18, 2011

Signature of AUSA:



GARY C. TROMBLAY



3-11-CR-0084-L

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS**

**Related Case Information**

Superseding Indictment:  Yes  No New Defendant:  Yes  No  
Pending CR Case in NDTX:  Yes  No If Yes, number: \_\_\_\_\_  
Search Warrant Case Number \_\_\_\_\_  
R 20 from District of \_\_\_\_\_  
Magistrate Case Number: 3-11-MJ-067

**1. Defendant Information**

Juvenile:  Yes  No  
If Yes, Matter to be sealed:  
 Yes  No

Defendant Name

**OTILIO OSORIO (02)**

**ORIGINAL**

Alias Name

Address

BY: *[Signature]*  
MAR 23 2011  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

County in which offense was committed: \_\_\_\_\_

**2. U.S. Attorney Information**

**AUSA GARY C. TROMBLAY**

**Bar # LA Bar Roll No. 22665**

**3. Interpreter**

Yes  No If Yes, list language and/or dialect: \_\_\_\_\_

**4. Location Status**

Arrest Date - NO WARRANT NEEDED

Already in Federal Custody  
 Already in State Custody  
 On Pretrial Release

**5. U.S.C. Citations**

Total # of Counts as to This Defendant: **6**  Petty  Misdemeanor  Felony

Citation	Description of Offense Charged	Count(s)
18 U.S.C. §§ 922(a)(6), 924(a)(2), and 2	Acquiring a Firearm from a Licensed Dealer by False or Fictitious Statement	1-4
18 U.S.C. § 371	Conspiracy to Acquire a Firearm from a Licensed Dealer by False or Fictitious Statement	5

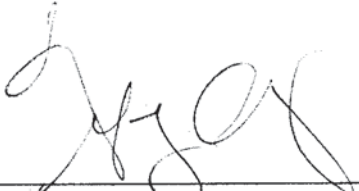
18 U.S.C. §§ 922(k)  
924(a)(1), and 2

Possession of a Firearm  
Bearing a Removed or Obliterated  
Serial Number

6

March 18, 2011

Signature of AUSA:



GARY C. TROMBLAY

3-11-CR-0084-L

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS**

**Related Case Information**

Superseding Indictment:  Yes  No    New Defendant:  Yes  No  
Pending CR Case in NDTX:  Yes  No    If Yes, number: \_\_\_\_\_  
Search Warrant Case Number \_\_\_\_\_  
R 20 from District of \_\_\_\_\_  
Magistrate Case Number: 3-11-MJ-067

**1. Defendant Information**

Juvenile:  Yes  No  
If Yes, Matter to be sealed:  
 Yes  No

Defendant Name **KELVIN LEON MORRISON (03)**  
Alias Name \_\_\_\_\_  
Address \_\_\_\_\_

County in which offense was committed: \_\_\_\_\_

**2. U.S. Attorney Information**

**AUSA GARY C. TROMBLAY** **Bar # LA Bar Roll No. 22665**

**3. Interpreter**

Yes  No    If Yes, list language and/or dialect: \_\_\_\_\_

**4. Location Status**

Arrest Date - NO WARRANT NEEDED

Already in Federal Custody  
 Already in State Custody  
 On Pretrial Release


**5. U.S.C. Citations**

Total # of Counts as to This Defendant: **5**     Petty     Misdemeanor     Felony

Citation	Description of Offense Charged	Count(s)
18 U.S.C. §§ 922(a)(6), 924(a)(2), and 2	Acquiring a Firearm from a Licensed Dealer by False or Fictitious Statement	1-4
18 U.S.C. § 371	Conspiracy to Acquire a Firearm from a Licensed Dealer by False or Fictitious Statement	5

March 18, 2011

Signature of AUSA: \_\_\_\_\_

  
**GARY C. TROMBLAY**