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United States Courts  
Southern District of Texas  
FILED

APR 06 2011

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

v.

§  
§  
§ CRIMINAL No. H-11-  
§  
§  
§

PATRICK BREWER REGAN,  
XIMENA DEL PILAR ECHEVERRY ARIAS,  
NICOLAS RYAN ALIG,

§  
§  
§ UNDER SEAL

11 CR 262

Defendants

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
**UNSEALED  
PER ARREST**

INDICTMENT

THE GRAND JURY CHARGES THAT:

**COUNT ONE**

(Title 18, United States Code, Section 371 – Conspiracy)

**A. Introduction**

At all times material to this Indictment:

**1. The Gun Control Act**

a. A “firearms dealer” is any person engaged in the business of selling, transferring, renting, leasing, or loaning firearms. The Gun Control Act states that no person shall deal in firearms until he or she has filed an application to do so with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (hereafter “ATF”) and received a Federal Firearms License (hereafter “FFL”) issued by the ATF. Each FFL must maintain records of the receipt, sale, or other disposition of firearms at his place of business as long as the business is in operation. Upon the closing of such business, the FFL must forward all of the required firearms records to the ATF Out of Business Section where they are maintained indefinitely.

b. The law requires that each FFL must maintain in a bound book the record of every

firearm receipt, sale, transfer or other disposition. Such record must include the name and address of the person to whom the dealer sells, transfers, or otherwise disposes of any firearm. The ATF may inspect the premises, inventory, and records of the FFL without reasonable cause or a warrant to ensure the FFL's compliance with record keeping requirements or to trace a firearm sold by the FFL that later became of interest in a criminal investigation.

**2. The ATF Form 4473 (Firearm Transaction Record):**

a. The ATF Form 4473 (hereafter "Form 4473") is a document used and maintained by the FFL to create a written record of each firearm sale or disposition. The Form 4473 is completed in part by the FFL and in part by a firearms purchaser at the time a firearm is sold, transferred, or otherwise disposed of. The Form 4473 memorializes that an FFL has taken all precautions required by the ATF and his or her license to make sure he or she does not transfer a firearm to a person who is prohibited from possessing it. Accordingly, among other things, the Form 4473 records that a firearms purchaser identified himself or herself to the FFL with a valid identification bearing his or her photograph. The Form 4473 also requires that the purchaser truthfully answer a series of questions about the firearms transaction.

b. One important question asked of the firearms purchaser is, "Are you the actual buyer of the firearm(s) listed on this form?" The block on the Form 4473 containing this question goes on to warn that, "You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual buyer, the dealer cannot transfer the firearm(s) to you." The Form 4473 next refers the firearms purchaser to "Notice 1," which is printed on the form and which provides a hypothetical example of an unlawful firearms purchase on behalf of another person. This question and its related warning and explanation put the purchaser on notice that buying a firearm on behalf of another person, other than as a *bona fide* gift, is

prohibited. FFLs must keep each executed Form 4473 at their place of business and must make them available to the ATF for inspection.

c. The purpose of the Form 4473 is threefold. The first is to cause FFLs and prospective firearm purchasers alike to take note of any legal impediments to the consummation of a firearms sale before deciding to proceed. The second is to acquire sufficient information about the purchaser to enable the Federal Bureau of Investigation (hereafter "FBI"), through its National Instant Background Checking System (hereafter "NICS"), to perform a criminal history check of the purchaser to verify he or she is not prohibited from possessing a firearm on account of a prior felony conviction or status as an illegal alien, among several other prohibitions. The third purpose of the ATF Form 4473 is to create a traceable record of the sale of a firearm, which permits law enforcement officers to trace firearms involved in crime to their last-known owners.

d. The information provided by the purchaser of a firearm on the Form 4473 must be true and accurate. It is a felony offense for any person to knowingly provide false information on a Form 4473.

e. A person who buys firearms for another person, other than as a *bona fide* gift, by unlawfully and falsely representing on the ATF Form 4473 that he is the actual buyer of firearms when he is not in fact the actual buyer, is known as a "straw-purchaser". The "straw purchasing" arrangement permits, among other things, people who are prohibited from possessing firearms to acquire firearms unlawfully. The arrangement also permits the intended recipients of the firearms to keep their names and other identifying information off the ATF Form 4473, which is commonly understood as the means by which law enforcement can trace firearms recovered from crime scenes back to an initial retail purchaser.

### **B. Object of the Conspiracy**

Beginning on or about January 24, 2008 and continuing until on or about March 10, 2011 in the Houston Division of the Southern District of Texas and elsewhere,

**PATRICK BREWER REGAN,  
XIMENA DEL PILAR ECHEVERRY ARIAS, and  
NICOLAS RYAN ALIG,**

defendants herein, did knowingly combine, conspire, confederate, and agree with each other and other persons known and unknown to the Grand Jury, in connection with the acquisition of firearms from multiple licensed dealers of firearms within the meaning of that term in Chapter 44 of Title 18 of the United States Code, to knowingly make false written statements and representations to said licensed dealers with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of the respective licensed dealers in that the defendants, who aided and abetted one another, represented on ATF Forms 4473 that they were the actual buyers of the firearms, when in fact, as the defendants then well knew, they were not the actual buyers of the firearms, in violation of Title 18, United States Code, Section 924(a)(1)(A).

### **C. Manner and Means of the Conspiracy**

It was part of the conspiracy that:

1. The defendants would and did purchase firearms from FFLs and falsely represent that they were the actual purchasers of the firearms.
2. The defendants would and did purchase said firearms on behalf of others known and unknown to the Grand Jury.
3. The defendants would and did purchase specific types of firearms as requested by the actual purchasers who promised them payment for doing so.

4. The defendants would and did purchase these firearms knowing that the firearms would be transported to Colombia for persons to whom transfer of such firearms was prohibited by United States and Colombian law.

5. The defendant, **PATRICK BREWER REGAN**, would and did contact the actual purchasers of these firearms to take their orders for firearms and related items.

6. The defendant, **PATRICK BREWER REGAN**, would and did receive payment from the actual purchasers of the firearms, among other ways, by wire transfer of funds from banks in Colombia to bank accounts in the United States that he controlled.

7. The defendant, **XIMENA DEL PILAR ECHEVERRY ARIAS**, and others would and did wire transfer funds, which the actual purchasers of the firearms provided to her to pay for the firearms and expenses, from bank accounts she and others controlled in Colombia to bank accounts in the United States controlled by the defendant, **PATRICK BREWER REGAN**.

8. The defendants would and did unlawfully smuggle the firearms they acquired for the actual purchasers from the United States via common carriers.

9. The defendants would and did make false representations to the common carriers about the contents of the numerous packages they sent to Colombia via common carrier when, in fact, as they knew these packages contained firearms.

10. The defendants would and did make false representations to the common carriers about the names and addresses of the senders and recipients of packages containing firearms they sent to Colombia via common carrier .

11. The defendant, **XIMENA DEL PILAR ECHEVERRY ARIAS**, and others would and did take receipt in Colombia of the firearms acquired during this conspiracy.

12. Once the firearms arrived in Colombia, the defendants, **XIMENA DEL PILAR ECHEVERRY ARIAS, PATRICK BREWER REGAN**, and others would and did deliver these unlawfully smuggled firearms to other conspirators known and unknown to the Grand Jury who had paid the defendant, **PATRICK BREWER REGAN**, to acquire them.

**D. Overt Acts**

1. In furtherance of the conspiracy, and to effect the objects thereof, the defendants performed and caused to be performed, among others, the following overt act: on or about December 2, 2010, **NICOLAS RYAN ALIG**, aided and abetted by **PATRICK BREWER REGAN**, knowingly made a false statement and representation to Sooner State Pawn in Oklahoma City, Oklahoma, a licensed dealer of firearms under the provisions of Chapter 44 of Title 18, United States Code, with respect to information required by the provisions of Chapter 44 of Title 18 of the United States Code to be kept in its records, in that the defendant executed a Bureau of Alcohol, Tobacco, and Firearms Form 4473 (Firearms Transaction Record) to the effect that he was the actual buyer of ten Fabrique Nationale-Herstal, model Five-seveN, 5.7 x 28mm caliber handguns when in fact, as he then well knew, he was not the actual buyer of those firearms.

2. Additionally, in furtherance of the conspiracy, and to effect the objects thereof, the defendants performed and caused to be performed, among others, the overt acts alleged in Counts Two through Nine of this Indictment.

In violation of Title 18, United States Code, Section 371.

**COUNTS TWO THROUGH NINE  
(False Statements in Records Maintained by Federal Firearms Licensee)**

From on or about September 6, 2010 until on or about January 20, 2011, in the Houston

Division of the Southern District of Texas,

**PATRICK BREWER REGAN,  
XIMENA DEL PILAR ECHEVERRY ARIAS, and  
NICOLAS RYAN ALIG,**

the defendants herein, aided and abetted by one another, knowingly made a false statement and representation to the Federal Firearms Licensees listed below, each of whom was a person licensed under the provisions of Chapter 44 of Title 18, United States Code, with respect to information required by the provisions of Chapter 44 of Title 18 of the United States Code to be kept in the records of the Federal Firearms Licensees listed below, in that the defendant, **PATRICK BREWER REGAN**, executed a Bureau of Alcohol, Tobacco, and Firearms Form 4473 (Firearms Transaction Record) to the effect that he was the actual buyer of the firearms involved in each of the below transactions when in fact, as the defendants then well knew, he was not the actual buyer of the firearms, and the transactions are more particularly described below:

<b>COUNT</b>	<b>STRAW-PURCHASER NAME</b>	<b>SALE DATE</b>	<b>LICENSED DEALER</b>	<b>FIREARM(S) PURCHASED</b>
2	Patrick Brewer Regan	9/6/2010	Guns of August	- 10 Aero Precision, model AP115, AR-15 variant, lower receivers
3	Patrick Brewer Regan	10/1/2010	Guns of August	- 5 Fabrique Nationale-Herstal, model Five-seveN, 5.7 x 28 mm caliber pistols
4	Patrick Brewer Regan	10/25/2010	Guns of August	- 5 Fabrique Nationale-Herstal, model Five-seveN, 5.7 x 28 mm caliber pistols

5	Patrick Brewer Regan	12/1/2010	Guns of August	- 5 Fabrique Nationale-Herstal, model Five-seveN, 5.7 x 28 mm caliber pistols
6	Patrick Brewer Regan	12/1/2010	SOG Armory	- 13 Double Star, model Star-15, 5.56mm caliber lower receivers
7	Patrick Brewer Regan	12/15/2010	Class 3 Weapons	- 8 Rock River Arms, model AR0114RRA, .223 caliber lower receivers
8	Patrick Brewer Regan	12/30/2010	Guns of August	- 4 Fabrique Nationale-Herstal, model Five-seveN, 5.7 x 28 mm caliber pistols
9	Patrick Brewer Regan	1/20/2011	Guns of August	- 100 Surplus Ammo & Arms, model No. 15, AR-15 variant, 5.56mm caliber lower receivers

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

**COUNT TEN  
(Dealing in Firearms Without a License)**

From on or about January 24, 2008 until on or about March 10, 2011, in the Houston  
Division of the Southern District of Texas,

**PATRICK BREWER REGAN,**

the defendant herein, not being a licensed dealer of firearms within the meaning of Chapter 44,  
Title 18, United States Code, did willfully engage in the business of dealing in firearms.

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



**COUNT ELEVEN**  
**(Possession of Firearms With Serial Numbers Obliterated)**

From on or about December 8, 2010, in the Houston Division of the Southern District of Texas,

**PATRICK BREWER REGAN, and**  
**XIMENA DEL PILAR ECHEVERRY ARIAS**

the defendants herein, knowingly possessed one or more firearms, that is thirteen Double Star, model Star 15, 5.56mm caliber lower receivers, that had been shipped in interstate commerce from Kentucky to Texas from which the manufacturer's serial number had been removed, altered, and obliterated.

In violation of Title 18, United States Code, Sections 922(k) and 924(a)(1)(B).

**COUNT TWELVE**  
**(Possession of an Unregistered Firearm)**

On or about March 8, 2011, in the Houston Division of the Southern District of Texas,

**PATRICK BREWER REGAN,**

the defendant herein, knowingly possessed a firearm, that is, one Surplus Ammo, model Low 15, .223 caliber semi-automatic rifle, serial number 04553, a rifle having a barrel of less than 16 inches in length, that was not registered to him in the National Firearms Registration and Transfer Record.

In violation of Title 26, United States Code, Sections 5841, 5861(d), and 5871.

**NOTICE OF CRIMINAL FORFEITURE**

Pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461, the United States of America hereby gives notice that all firearms and ammunition involved in, used in, or intended to be used in the commission of the offenses in

violation of Title 18, United States Code, Sections 371, 924(a)(1)(A), 922(a)(1)(A), and 922(k), and Title 26, United States Code, Sections 5841, 5861(d), and 5871, which are charged in Counts One through Twelve, are subject to forfeiture, including but not limited to, those appearing in Attachment "A" to this affidavit.

### SUBSTITUTE ASSETS

In the event that any of the property subject to forfeiture, as a result of any act or omission of any of the Defendants:

- a. cannot be located upon exercise of due diligence;
- b. has been placed beyond the jurisdiction of the Court;
- c. has been transferred or sold to, or deposited with a third party;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

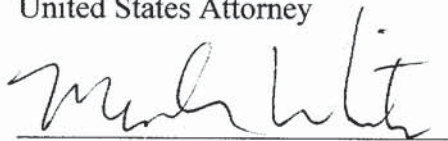
it is the intent of the United States to seek forfeiture of any other property of the Defendants up to the value of such property pursuant to 21 U.S.C. § 853(p).

A TRIER OF FACT.

ORIGINAL SIGNATURE ON FILE  
FOR THE FOREPERSON OF THE GRAND JURY

JOSE ANGEL MORENO  
United States Attorney

By:

  
MARK W. WHITE, III  
Assistant United States Attorney  
(713) 567-9663

ATTACHMENT "A"

1. SURPLUS AMMO AND ARMS, TYPE: RECEIVER/FRAME, MODEL: LOW15, CAL: 223, BAR: 14, SN: SA04553
2. F.N. (FN HERSTAL), TYPE: PISTOL, MODEL: FIVE-SEVEN, CAL: 57, SN: NONE,
3. MARLIN FIREARMS CO., TYPE: RIFLE, MODEL: XST, CAL: 243, SN: 91736403,
4. PIERCE ENGINEERING, TYPE: RIFLE, MODEL: ELISEO RTS, CAL: 6.5, SN: TG0037
5. F.N. (FN HERSTAL), TYPE: PISTOL, MODEL: FIVE-SEVEN, CAL: 57, SN: NONE,
6. SURPLUS AMMO AND ARMS, TYPE: RECEIVER/FRAME, MODEL: LOW15, CAL: MULTI, SN: NONE,
7. YANKEE HILL MACHINE CO. INC., TYPE: RIFLE, MODEL: YHM-15, CAL: 223, SN: YH9533,
8. SURPLUS AMMO AND ARMS, TYPE: RECEIVER/FRAME, MODEL: LOW15, CAL: MULTI, SN: SA04509,
9. F.N. (FN HERSTAL), TYPE: PISTOL, MODEL: FIVE-SEVEN, CAL: 57, SN: NONE,
10. SURPLUS AMMO AND ARMS, TYPE: RECEIVER/FRAME, MODEL: LOW15, CAL: MULTI, SN: SA04544,
11. SURPLUS AMMO AND ARMS, TYPE: RECEIVER/FRAME, MODEL: LOW15, CAL: MULTI, SN: SA04541,
12. SURPLUS AMMO AND ARMS, TYPE: RECEIVER/FRAME, MODEL: LOW15, CAL: MULTI, SN: SA04546,
13. ROCK RIVER ARMS, INC., TYPE: RIFLE, MODEL: LAR 15, CAL: 223, SN: NONE,
14. SURPLUS AMMO AND ARMS, TYPE: RECEIVER/FRAME, MODEL: LOW15, CAL: MULTI, SN: SA04523,
15. SURPLUS AMMO AND ARMS, TYPE: RECEIVER/FRAME, MODEL: LOW15, CAL: MULTI, SN: SA04545,
16. F.N. (FN HERSTAL), TYPE: PISTOL, MODEL: FIVE-SEVEN, CAL: 57, SN: NONE,
17. SURPLUS AMMO AND ARMS, TYPE: RECEIVER/FRAME, MODEL: LOW15, CAL: MULTI, SN: SA04520,
18. ROCK RIVER ARMS, INC., TYPE: RIFLE, MODEL: LAR 15, CAL: 223, SN: NONE,
19. SURPLUS AMMO AND ARMS, TYPE: RECEIVER/FRAME, MODEL: LOW15, CAL: MULTI, SN: SA04543,
20. DOUBLE STAR CORP., TYPE: RECEIVER/FRAME, MODEL: STAR 15, CAL: 556, SN: NONE,
21. SURPLUS AMMO AND ARMS, TYPE: RECEIVER/FRAME, MODEL: LOW15, CAL: MULTI, SN: SA04528,
22. SURPLUS AMMO AND ARMS, TYPE: RECEIVER/FRAME, MODEL: LOW15, CAL: MULTI, SN: SA04522,
23. SURPLUS AMMO AND ARMS, TYPE: RECEIVER/FRAME, MODEL: LOW15, CAL: MULTI, SN: SA04524,
24. DOUBLE STAR CORP., TYPE: RECEIVER/FRAME, MODEL: STAR 15, CAL: 556, SN: NONE,
25. DOUBLE STAR CORP., TYPE: RECEIVER/FRAME, MODEL: STAR 15, CAL: 556, SN: NONE,
26. SURPLUS AMMO AND ARMS, TYPE: RECEIVER/FRAME, MODEL: LOW15, CAL: MULTI, SN: SA04510,
27. SURPLUS AMMO AND ARMS, TYPE: RECEIVER/FRAME, MODEL: LOW15, CAL: MULTI, SN: SA04505,
28. SURPLUS AMMO AND ARMS, TYPE: RECEIVER/FRAME, MODEL: LOW15, CAL: MULTI, SN: SA04530,
29. SURPLUS AMMO AND ARMS, TYPE: RECEIVER/FRAME, MODEL: LOW15, CAL: MULTI, SN: SA04548,
30. ROCK RIVER ARMS, INC., TYPE: RIFLE, MODEL: LAR 15, CAL: 223, SN: NONE,
31. SURPLUS AMMO AND ARMS, TYPE: RECEIVER/FRAME, MODEL: LOW15, CAL: MULTI, SN: SA04533,
32. THOMPSON/CENTER ARMS CO., TYPE: RIFLE, MODEL: ICON, CAL: 6.5MM, SN: U016744,
33. SURPLUS AMMO AND ARMS, TYPE: RECEIVER/FRAME, MODEL: LOW15, CAL: MULTI, SN: SA04511,
34. SURPLUS AMMO AND ARMS, TYPE: RECEIVER/FRAME, MODEL: LOW15, CAL: MULTI, SN: SA04532,
35. DOUBLE STAR CORP., TYPE: RECEIVER/FRAME, MODEL: STAR 15, CAL: 556, SN: NONE,
36. SURPLUS AMMO AND ARMS, TYPE: RECEIVER/FRAME, MODEL: LOW15, CAL: MULTI, SN: SA04538,
37. SURPLUS AMMO AND ARMS, TYPE: RECEIVER/FRAME, MODEL: LOW15, CAL: MULTI, SN: SA04536,
38. F.N. (FN HERSTAL), TYPE: PISTOL, MODEL: FIVE-SEVEN, CAL: 57, SN: NONE,
39. SURPLUS AMMO AND ARMS, TYPE: RECEIVER/FRAME, MODEL: LOW15, CAL: MULTI, SN: SA04537,
40. SURPLUS AMMO AND ARMS, TYPE: RECEIVER/FRAME, MODEL: LOW15, CAL: MULTI, SN: SA04518,
41. SURPLUS AMMO AND ARMS, TYPE: RECEIVER/FRAME, MODEL: LOW15, CAL: MULTI, SN: SA04550,

42. BROWNING, TYPE: RIFLE, MODEL: X-BOLT MEDALLION, CAL: 300, SN: 62662ZM354,
43. DOUBLE STAR CORP., TYPE: RECEIVER/FRAME, MODEL: STAR 15, CAL: 556, SN: NONE,
44. SURPLUS AMMO AND ARMS, TYPE: RECEIVER/FRAME, MODEL: LOW15, CAL: MULTI, SN: SA04535,
45. DOUBLE STAR CORP., TYPE: RECEIVER/FRAME, MODEL: STAR 15, CAL: 556, SN: NONE,
46. SURPLUS AMMO AND ARMS, TYPE: RECEIVER/FRAME, MODEL: LOW15, CAL: MULTI, SN: SA04547,
47. SURPLUS AMMO AND ARMS, TYPE: RECEIVER/FRAME, MODEL: LOW15, CAL: MULTI, SN: SA04527,
48. DOUBLE STAR CORP., TYPE: RECEIVER/FRAME, MODEL: STAR 15, CAL: 556, SN: NONE,
49. DOUBLE STAR CORP., TYPE: RECEIVER/FRAME, MODEL: STAR 15, CAL: 556, SN: NONE,
50. SURPLUS AMMO AND ARMS, TYPE: RECEIVER/FRAME, MODEL: LOW15, CAL: MULTI, SN: SA04534,
51. SURPLUS AMMO AND ARMS, TYPE: RECEIVER/FRAME, MODEL: LOW15, CAL: MULTI, SN: SA04519,
52. F.N. (FN HERSTAL), TYPE: PISTOL, MODEL: FIVE-SEVEN, CAL: 57, SN: NONE,
53. SURPLUS AMMO AND ARMS, TYPE: RECEIVER/FRAME, MODEL: LOW15, CAL: MULTI, SN: SA04549,
54. GLOCK GMBH, TYPE: PISTOL, MODEL: 23, CAL: 40, SN: PZT638,
55. SURPLUS AMMO AND ARMS, TYPE: RECEIVER/FRAME, MODEL: LOW15, CAL: MULTI, SN: SA04526,
56. SURPLUS AMMO AND ARMS, TYPE: RECEIVER/FRAME, MODEL: LOW15, CAL: MULTI, SN: SA04542,
57. SURPLUS AMMO AND ARMS, TYPE: RECEIVER/FRAME, MODEL: LOW15, CAL: MULTI, SN: SA04531,
58. F.N. (FN HERSTAL), TYPE: PISTOL, MODEL: FIVE-SEVEN, CAL: 57, SN: NONE,
59. F.N. (FN HERSTAL), TYPE: PISTOL, MODEL: FIVE-SEVEN, CAL: 57, SN: NONE,
60. SURPLUS AMMO AND ARMS, TYPE: RECEIVER/FRAME, MODEL: LOW15, CAL: 223, SN: NONE,
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64. SURPLUS AMMO AND ARMS, TYPE: RECEIVER/FRAME, MODEL: LOW15, CAL: 223, SN: NONE,
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70. SURPLUS AMMO AND ARMS, TYPE: RECEIVER/FRAME, MODEL: LOW15, CAL: MULTI, SN: SA04539,
71. SURPLUS AMMO AND ARMS, TYPE: RECEIVER/FRAME, MODEL: LOW15, CAL: MULTI, SN: SA04540,
72. SURPLUS AMMO AND ARMS, TYPE: RECEIVER/FRAME, MODEL: LOW15, CAL: MULTI, SN: SA04525,
73. SURPLUS AMMO AND ARMS, TYPE: RECEIVER/FRAME, MODEL: LOW15, CAL: MULTI, SN: SA04521,
74. SURPLUS AMMO AND ARMS, TYPE: RECEIVER/FRAME, MODEL: LOW15, CAL: MULTI, SN: SA04513,
75. SURPLUS AMMO AND ARMS, TYPE: RECEIVER/FRAME, MODEL: LOW15, CAL: MULTI, SN: SA04529,