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DISTRICT OF ARIZONA  
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REDACTED FOR  
PUBLIC DISCLOSURE

UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

United States of America,  
Plaintiff,

v.

Daniel Kevin Abarca,  
Defendant.

**CR 10 16 07 PHX NVW LOA**

**INDICTMENT**

18 U.S.C. §§ 922(a)(6) & 924(a)(1)(A)  
(False Statement in the Acquisition of a  
Firearm)  
Counts 1-6

Forfeiture Allegations: 18 U.S.C. §  
924(d) and 28 U.S.C. § 2461

THE GRAND JURY CHARGES:

**COUNTS 1-6**

On or about the dates listed below, in the District of Arizona, DANIEL KEVIN ABARCA, aided and abetted by persons known and unknown to the Grand Jury, knowingly made false statements with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of businesses licensed under Chapter 44, in connection with the acquisition of firearms. Specifically, DANIEL KEVIN ABARCA, executed a Department of Justice Bureau of Alcohol, Tobacco, Firearms and Explosives Form 4473 stating that he was the actual purchaser of firearms listed below when, in fact, as DANIEL KEVIN ABARCA then knew, he was not the actual purchaser of the firearms.

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

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Count	Date	Business Licensed Under Chapter 44	Firearms
<b>Count 1</b>	August 26, 2009	J&G Sales, Ltd., located at 440 Miller Valley Road in Prescott, Arizona ( <u>"J&amp;G Sales, Ltd."</u> )	Five (5) Romanian AK-47 GPWASR10, 7.62x39 caliber rifles with the following serial numbers: AH60881989 AH98281989 AH12901989 AH98461989 AH66041989
<b>Count 2</b>	September 12, 2009	J&G Sales, Ltd.	One (1) Romanian AK-47 GPWASR10, 7.62x39 caliber rifle with the following serial number: 1971DF4706
<b>Count 3</b>	April 16, 2010	US Autoweapons, located at 14870 N. Northsight Blvd. #100 in Scottsdale, Arizona	Two (2) Belgium FN, USG, 5.7 caliber pistols with the following serial numbers: 386197900 386197654

1	<b>Count 4</b>	April 16, 2010	Scottsdale Gun Club, located at 14860 N. Northsight Blvd. in Scottsdale, Arizona	Two (2) Belgium FN, USG, 5.7 caliber pistols with the following serial numbers: 386208126 386208302
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8	<b>Count 5</b>	April 16, 2010	Cabela's Inc., located at 9380 W. Glendale Ave. in Glendale, Arizona	Two (2) Belgium FN, USG, 5.7 caliber pistols with the following serial numbers: 386196873 386197176
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15	<b>Count 6</b>	April 17, 2010	J&G Sales, Ltd.	One (1) Belgium FN, USG, 5.7 caliber pistol with the following serial number: 386206613
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**FORFEITURE ALLEGATIONS**

The Grand Jury realleges and incorporates by reference the allegations of Counts 1 through 6 of this Indictment.

In addition to any loss of right, title, and interest arising from any administrative and/or civil forfeiture proceedings, and as a result of the offenses set forth in Counts 1 through 6 of this Indictment, DANIEL KEVIN ABARCA shall forfeit to the United States all right, title, and interest in the firearms and ammunition involved or used in the offenses, including but not limited to six Romanian AK-47 GPWASR10 7.62x39 caliber rifles (with the following serial numbers: AH60881989, AH98281989, AH12901989, AH98461989, AH66041989, and 1971DF4706) and ten Belgium FN, USG, 5.7 caliber pistols (with the following serial numbers: 386197900, 386197654, 386208126, 386208302, 386196873, and 386206613).

If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third party;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or
- (5) 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 the above-described forfeitable property, pursuant to Title 21, United States Code, Section 853(p).

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1 All pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States  
2 Code, Section 2461.

3 A TRUE BILL

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5 /S/  
6 FOREPERSON OF THE GRAND JURY  
Date: November 9, 2010

7 DENNIS K. BURKE  
8 United States Attorney  
District of Arizona

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10 /S/ \_\_\_\_\_  
11 MARK S. KOKANOVICH  
12 Assistant United States Attorney  
JOSHUA I. FISHER  
Special Assistant United States Attorney

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