

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

~~CONFIDENTIAL~~

UNITED STATES OF AMERICA,)	INDICTMENT	CR-09-376 ADM/JSM
)		
Plaintiff,)	(18 U.S.C. § 371)	
)	(18 U.S.C. § 554)	
v.)	(18 U.S.C. § 922(a)(1)(A))	
)	(18 U.S.C. § 922(a)(6))	
PAUL GIOVANNI DE LA ROSA,)	(18 U.S.C. § 924(b))	
)		
Defendant.)		

THE UNITED STATES GRAND JURY CHARGES THAT:

COUNT 1
(Conspiracy)

1. Beginning in 2007 and continuing to on or about November 16, 2009, in the State and District of Minnesota and elsewhere, the defendant,

PAUL GIOVANNI DE LA ROSA,

did knowingly, willfully, and unlawfully conspire and agree with persons known and unknown to the Grand Jury, to commit the following acts and offenses against the United States:

- a. to knowingly make false and fictitious written statements and representations to a federally licensed firearms dealer, intended to deceive such dealer with respect to a fact material to the lawfulness of the sale and acquisition of the firearms, in that defendant falsely represented that he was the actual buyer of the firearms when, in fact, he acquired the firearms on behalf of another person, all in violation of Title 18, United States Code, Section 922(a)(6);

FILED **DEC 16 2009**
 RICHARD D. SLETTEN
 JUDGMENT ENTD _____
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- b. to unlawfully engage in the business of dealing in firearms and in the course of such business to ship, transport and receive firearms in interstate and foreign commerce, all in violation of Title 18, United States Code, Section 922(a)(1)(A);
- c. to ship, transport, and receive a firearm and any ammunition in interstate and foreign commerce with intent to commit therewith an offense punishable by imprisonment for a term exceeding one year, all in violation of Title 18, United States Code, Section 924(b); and
- d. to fraudulently and knowingly export and send and attempt to export and send from the United States certain merchandise, articles and objects, that is firearms and ammunition, contrary to law and regulation of the United States; all in violation of Title 18, United States Code, Section 554.

Object of the Conspiracy

2. In general, the object of the conspiracy was to exchange money for firearms and ammunition that were acquired in the United States and smuggled into Mexico for resale to persons known and unknown.

Manner and Means

3. The manner and means by which the object of the conspiracy was accomplished included, but was not limited to, the following:

4. Defendant received electronic money transfers at the direction of co-conspirator (Co-Conspirator A) for the purchase of firearms.

5. The defendant obtained firearms from Federally Licensed Firearms Dealers (FFLs) in the State and District of Minnesota. The purpose of obtaining these firearms was to transfer them to Co-Conspirator A, who resides in the country of Mexico, in exchange for payment.

6. The defendant transported firearms and ammunition from the State and District of Minnesota in interstate commerce to the United States/Mexico border in Texas. The defendant smuggled the firearms and ammunition across the border into Mexico via a passenger vehicle.

7. In Mexico, defendant transferred firearms and ammunition to Co-Conspirator A.

Overt Acts

8. In furtherance of the conspiracy and to effect the objects of the conspiracy, the following overt acts, among others, were committed in the State and District of Minnesota and elsewhere:

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9. The defendant purchased over 100 firearms, including the following firearms:

Date of Purchase	Manufacturer	Model	Serial Number	Type	Caliber
11/14/2009	BERETTA	CHEETAH	843228Y	PISTOL	380
11/14/2009	ROCK RIVER ARMS	57	CM198305	RIFLE	57
11/14/2009	SIGSAUER	P238	DA003468	PISTOL	380
11/12/2009	F. N. (FN HERSTAL)	PS90	FN061750	RIFLE	57
11/12/2009	F. N. (FN HERSTAL)	PS90	FN061749	RIFLE	57
11/12/2009	F.N. (FN HERSTAL)	57	386185294	PISTOL	57
11/12/2009	F.N. (FN HERSTAL)	57	386185368	PISTOL	57
10/29/2009	F. N. (FN HERSTAL)	PS90	FN061801	RIFLE	57
10/29/2009	F. N. (FN HERSTAL)	PS90	FN061803	RIFLE	57
10/29/2009	F.N. (FN HERSTAL)	57	386185293	PISTOL	57
10/29/2009	F.N. (FN HERSTAL)	57	386185292	PISTOL	57
10/29/2009	RUGER	LCP	372-58078	PISTOL	380
10/29/2009	RUGER	LCP	372-58194	PISTOL	380
10/29/2009	RUGER	LCP	372-57790	PISTOL	380
10/14/2009	F.N. (FN HERSTAL)	57	386192868	PISTOL	57
10/13/2009	F.N. (FN HERSTAL)	57	386186238	PISTOL	57
10/13/2009	F.N. (FN HERSTAL)	57	386181810	PISTOL	57
10/13/2009	RUGER	LCP	372-55749	PISTOL	380
10/13/2009	RUGER	LCP	372-55711	PISTOL	380
10/13/2009	RUGER	LCP	372-55814	PISTOL	380
10/13/2009	F. N. (FN HERSTAL)	PS90	FN066307	RIFLE	57
10/13/2009	F. N. (FN HERSTAL)	PS90	FN065836	RIFLE	57
10/13/2009	F. N. (FN HERSTAL)	PS90	FN067639	RIFLE	57
10/13/2009	F. N. (FN HERSTAL)	PS90	FN066402	RIFLE	57
10/13/2009	F.N. (FN HERSTAL)	57	386187221	PISTOL	57
10/13/2009	RUGER	LCP	372-21643	PISTOL	380
9/29/2009	RUGER	LCP	372-05692	PISTOL	380
9/29/2009	F.N. (FN HERSTAL)	57	386186239	PISTOL	57
9/26/2009	F. N. (FN HERSTAL)	PS90	FN061747	RIFLE	57
9/26/2009	F. N. (FN HERSTAL)	PS90	FN061450	RIFLE	57
9/26/2009	F. N. (FN HERSTAL)	PS90	FN066118	RIFLE	57
9/26/2009	BERETTA	PX4 STORM	PX18912	PISTOL	9
9/26/2009	BERETTA	PX4 STORM	PX19130	PISTOL	9
9/26/2009	RUGER	LCP	372-21568	PISTOL	380
9/26/2009	RUGER	LCP	372-34965	PISTOL	380
9/26/2009	RUGER	LCP	372-34849	PISTOL	380
9/26/2009	F.N. (FN HERSTAL)	57	386187228	PISTOL	57
9/26/2009	F.N. (FN HERSTAL)	57	386185295	PISTOL	57
9/1/2009	RUGER	LCP	371-85444	PISTOL	380
9/1/2009	F.N. (FN HERSTAL)	57	386192784	PISTOL	57
8/30/2009	F.N. (FN HERSTAL)	57	386186437	PISTOL	57
8/29/2009	F.N. (FN HERSTAL)	PS90	FN061449	RIFLE	57
8/29/2009	RUGER	LCP	371-85129	PISTOL	380
8/29/2009	F.N. (FN HERSTAL)	PS90	FN060053	RIFLE	57
8/29/2009	F.N. (FN HERSTAL)	57	386187610	PISTOL	57
7/7/2009	F.N. (FN HERSTAL)	PS90	FN061326	RIFLE	57
7/7/2009	F.N. (FN HERSTAL)	57	386180915	PISTOL	57
7/7/2009	RUGER	LCP	371-91202	PISTOL	380
7/7/2009	NORTH AMERICAN ARMS	NAA22	L106857	REVOLVER	22

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Date of Purchase	Manufacturer	Model	Serial Number	Type	Caliber
7/7/2009	NORTH AMERICAN ARMS	NAA22	E178943	REVOLVER	22
7/7/2009	BERETTA	PX4 STORM	PX86259	PISTOL	9
7/7/2009	BERETTA	PX4 STORM	PZ04361	PISTOL	9
6/9/2009	F.N. (FN HERSTAL)	57	386181963	PISTOL	57
6/2/2009	F.N. (FN HERSTAL)	57	386181808	PISTOL	57
6/2/2009	BERETTA	CHEETAH	H3972Y	PISTOL	57
5/20/2009	F.N. (FN HERSTAL)	57	386181942	PISTOL	57
5/20/2009	F.N. (FN HERSTAL)	57	38618137	PISTOL	57
4/30/2009	F.N. (FN HERSTAL)	57	3861821575	PISTOL	57
4/23/2009	NORTH AMERICAN ARMS	NAA22	S2501	REVOLVER	22
4/23/2009	F.N. (FN HERSTAL)	57	386180765	PISTOL	57
4/23/2009	F.N. (FN HERSTAL)	57	386180251	PISTOL	57
4/1/2009	NORTH AMERICAN ARMS	GUARDIAN	BD02161	PISTOL	380
3/31/2009	Bersa	Tomcat 3032	DAA457579	PISTOL	32
3/27/2009	F.N. (FN HERSTAL)	57	386180946	PISTOL	57
3/27/2009	F.N. (FN HERSTAL)	57	386178163	PISTOL	57
3/18/2009	F.N. (FN HERSTAL)	57	386183325	PISTOL	57
3/18/2009	F.N. (FN HERSTAL)	57	386177452	PISTOL	57
3/18/2009	HS Products	XD45	US749598	PISTOL	45
3/18/2009	HS Products	XD45	US713664	PISTOL	45
2/19/2009	F.N. (FN HERSTAL)	57	386177460	Pistol	57
2/19/2009	RUGER	LCP	371-21713	Pistol	380
2/18/2009	NORTH AMERICAN ARMS	NAA22	E163038	DERRINGER	22
2/18/2009	NORTH AMERICAN ARMS	NAA22	E169258	DERRINGER	22
2/12/2009	F.N. (FN HERSTAL)	57	386178828	PISTOL	57
2/12/2009	F.N. (FN HERSTAL)	57	386175786	PISTOL	57
12/19/2008	F.N. (FN HERSTAL)	57	386176227	PISTOL	57
12/18/2008	BERSA	THUNDER 380	937964	PISTOL	380
12/18/2008	BERETTA	MODEL 3032	DAA450912	PISTOL	32
12/18/2008	NORTH AMERICAN ARMS	NAA22	L098296	REVOLVER	22
12/17/2008	F.N. (FN HERSTAL)	57	386138333	PISTOL	57
12/17/2008	F.N. (FN HERSTAL)	57	386138243	PISTOL	57
11/26/2008	BROWNING	BDA380	425MY00736	PISTOL	380
11/26/2008	F.N. (FN HERSTAL)	57	386147265	PISTOL	57
10/28/2008	F.N. (FN HERSTAL)	57	386175045	PISTOL	57
10/28/2008	F.N. (FN HERSTAL)	57	386175050	PISTOL	57
9/30/2008	F.N. (FN HERSTAL)	57	386143135	PISTOL	57
9/30/2008	F.N. (FN HERSTAL)	57	386154675	PISTOL	57
8/15/2008	BROWNING	BDA380	425MY01048	PISTOL	380
8/15/2008	NORTH AMERICAN ARMS	NAA22	E141883	REVOLVER	22
8/15/2008	COBRA ENTERPRISES, INC.	C22	33124	DERRINGER	22
8/14/2008	F.N. (FN HERSTAL)	57	386138613	PISTOL	57
8/14/2008	BERETTA, PIETRO S.P.A	900S	SZ019031	PISTOL	9
7/18/2008	F.N. (FN HERSTAL)	57	386152313	PISTOL	57
7/18/2008	CZ (CESKA ZBROJOVKA)	CZ2075 RAMI	A457285	PISTOL	9
7/18/2008	SIG (SWISS INDUSTRIAL GROUP)	P232	S279401	PISTOL	380
7/18/2008	NORTH AMERICAN ARMS	NAA22	L090987	REVOLVER	22
4/17/2008	F.N. (FN HERSTAL)	57	386146841	PISTOL	57
4/17/2008	F.N. (FN HERSTAL)	57	386149077	PISTOL	57
4/17/2008	BROWNING	BDA380	425MY00537	PISTOL	380

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Date of Purchase	Manufacturer	Model	Serial Number	Type	Caliber
2/7/2008	F.N. (FN HERSTAL)	57	386150644	PISTOL	57
2/7/2008	BERETTA, PIETRO S.P.A	900S	SN022725	PISTOL	40
2/7/2008	BERSA	THUNDER 380	836486	PISTOL	380
12/20/2007	BERETTA, USA CORP	MODEL 3032	DAA429846	PISTOL	32
12/20/2007	BERETTA, PIETRO S.P.A	9000F	SZ018571	PISTOL	9
12/9/2007	F.N. (FN HERSTAL)	57	386146722	PISTOL	57
12/9/2007	BERETTA, PIETRO S.P.A	900S	SZ019014	PISTOL	9
12/9/2007	TAURUS	PT111 MILLENIUM PRO	TAM96072	PISTOL	9
11/5/2007	BERETTA USA CORP	MODEL 3032	DAA411019	PISTOL	32
11/5/2007	RUGER	P89	315-92336	PISTOL	9
11/5/2007	SMITH & WESSON	SIGMA	PDY1182	PISTOL	9
10/22/2007	BERSA	THUNDER 380	836453	PISTOL	380
10/22/2007	BERSA	THUNDER 380	841382	PISTOL	380
9/26/2007	GLOCK GMBH	MODEL 19	LGC542	PISTOL	9
9/21/2007	BERETTA USA CORP	92	BER462600	PISTOL	9
9/21/2007	SMITH & WESSON	41	UBT4629	PISTOL	22
7/24/2007	GLOCK GMBH	MODEL 19	KWY824	PISTOL	9
7/24/2007	KELTEC, CNC INDUSTRIES, INC.	P32	CBB97	PISTOL	32
6/6/2007	BERETTA, PIETRO S.P.A	90TWO	TX00814	PISTOL	9
6/6/2007	GLOCK GMBH	MODEL 23	KZW804	PISTOL	40

10. In connection with defendant's acquisition of these firearms, defendant knowingly made false and fictitious statements and representations on ATF Form 4473 to federally licensed firearms dealers intended to deceive such dealers with respect to a fact material to the lawfulness of the sale and acquisition of the firearms, in that defendant falsely represented that he was the actual buyer of the firearms when, in fact, he acquired the firearms on behalf of another person.

11. The defendant crossed the United States/Mexico border approximately 20 times in connection with smuggling or attempting to smuggle firearms and ammunition into Mexico during the time

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period beginning on or about January, 2007 until November, 2009, including but not limited to the following dates: June 1, 2007, April 5, 2007, April 17, 2007, November 21, 2007, December 12, 2007, January 7, 2008, April 3, 2008, September 8, 2008, October 8, 2008, January 5, 2009, April 13, 2009, May 13, 2009, June 30, 2009, August 27, 2009, September 21, 2009, October 8, 2009, October 19, 2009, and November 19, 2009.

12. The defendant received approximately \$70,000 via electronic currency transfers into accounts held by the defendant for the purpose of acquiring firearms to be illegally smuggled into Mexico and transferred to persons known and unknown, including the following but not limited to wire transfers on or about the following dates: \$6,000 (January 22, 2007), \$20,000 (March 15, 2007), \$7,000 (November 5, 2008), \$7,000 (December 15, 2008), \$1,000 (January 28, 2009), \$3,500 (February 23, 2009), \$3,500 (February 24, 2009), \$3,500 (March 4, 2009), \$11,500 (March 23, 2009), and \$2,492 (July 10, 2009).

All in violation of Title 18, United States Code, Section 371.

COUNT 2

(False Statements on Firearm Application)

On or about November 11, 2009, in the State and District of Minnesota, the defendant,

PAUL GIOVANNI DE LA ROSA,

in connection with his acquisition of two firearms, namely,

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Model	Caliber	Serial Number
Beretta	.380 caliber	843228Y
Sig Sauer	.380 caliber	DA 003468

from Hart Brothers in Albert Lea, Minnesota, a federally licensed firearms dealer, knowingly made false and fictitious written statements and representations on ATF Form 4473 intended to deceive such dealer with respect to a fact material to the lawfulness of the sale and acquisition of the firearms, in that defendant falsely represented that he was the actual buyer of the firearms when, in fact, he acquired the firearms on behalf of another person, all in violation of Title 18, United States Code, Section 922(a)(6).

COUNT 3

(Money Laundering)

On or about December 15, 2008, in the State and District of Minnesota and elsewhere, the defendant,

PAUL GIOVANNI DE LA ROSA,

did transport, transmit, transfer and attempt to transport, transmit and transfer a monetary instrument and funds, that is a wire transfer in the amount of \$7,000.00, to a place in the United States, that is Minnesota, from and through a place outside the United States, that is Mexico, with the intent to promote the carrying on of a specified unlawful activity, that is smuggling goods from the United States in violation of 18 United States Code Section 554; all in violation of Title 18, United States Code, Sections 1956 and 1956(a)(2)(A).

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COUNT 4

(Money Laundering)

On or about March 23, 2009, in the State and District of Minnesota and elsewhere, the defendant,

PAUL GIOVANNI DE LA ROSA,

did transport, transmit, transfer and attempt to transport, transmit and transfer a monetary instrument and funds, that is a wire transfer in the amount of \$11,500.00, to a place in the United States, that is Minnesota, from and through a place outside the United States, that is Mexico, with the intent to promote the carrying on of a specified unlawful activity, that is smuggling goods from the United States in violation of 18 United States Code Section 554; all in violation of Title 18, United States Code, Sections 1956 and 1956(a)(2)(A).

COUNT 5

(Money Laundering)

On or about July 10, 2009, in the State and District of Minnesota and elsewhere, the defendant,

PAUL GIOVANNI DE LA ROSA,

did transport, transmit, transfer and attempt to transport, transmit and transfer a monetary instrument and funds, that is a wire transfer in the amount of \$2,492.00, to a place in the United States, that is Minnesota, from and through a place outside the United States, that is Mexico, with the intent to promote the carrying on of a specified unlawful activity, that is smuggling goods from the United States in violation of 18 United States Code

Section 554; all in violation of Title 18, United States Code, Sections 1956 and 1956(a)(2)(A).

COUNT 6

(Smuggling Goods from the United States)

On or about November 16, 2009, in the State and District of Minnesota and elsewhere, the defendant,

PAUL GIOVANNI DE LA ROSA,

fraudulently and knowingly did export and send and attempt to export and send from the United States certain merchandise, articles and objects, that is 14 firearms and approximately 200 rounds of ammunition, contrary to law and regulation of the United States, that is Title 18, United States Code, Sections 554, 922(a)(1)(A), 922(a)(6), 924(b), and Title 22, United States Code, Section 2778; all in violation of Title 18, United States Code, Section 554.

A TRUE BILL

UNITED STATES ATTORNEY

FOREPERSON