

United States District Court
Southern District of Texas
FILED

NOV 13 2008

Michael N. Milby, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA

v.

JUAN PABLO GUTIERREZ,
Defendant

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CRIMINAL No. H-08-

H - 08 - 741

INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNT ONE

(False Material Statement to a Federal Firearms Licensee)

On or about October 23, 2006, in the Houston Division of the Southern District of Texas,

JUAN PABLO GUTIERREZ,

the defendant herein, in connection with the acquisition of one or more firearms, namely an H&K, Model USP9, 9 mm caliber pistol; an FN Herstal, Model Five-SeveN, 5.7 x 28 mm pistol; and two Bushmaster, Model XM-15, .223 caliber rifles from Carter's Country No. 1, a firearms dealer within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious written statement to an employee of Carter's Country No. 1, which statement was intended and likely to deceive Carter's Country No. 1, as to a fact material to the lawfulness of the sale of the said firearms to the defendant under Chapter 44, Title 18, United States Code, in that the defendant executed a Department of Justice, Bureau of Alcohol, Tobacco, and Firearms Form 4473 (Firearms Transaction Record) in which he falsely stated he was the actual buyer of the firearms when in fact he was purchasing the firearms on the behalf of another person.

In violation of Title 18, United States Code, Section 922(a)(6) and Section 924(a)(2).

COUNT TWO
(False Material Statement to a Federal Firearms Licensee)

On or about October 25, 2006, in the Houston Division of the Southern District of Texas,

JUAN PABLO GUTIERREZ,

the defendant herein, in connection with the acquisition of one or more firearms, namely two FN Herstal, Model Five-SeveN, 5.7 x 28 mm pistols and a Colt, Government Model, .38 caliber pistol from Carter's Country No. 4, a firearms dealer within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious written statement to an employee of Carter's Country No. 4, which statement was intended and likely to deceive Carter's Country No. 4, as to a fact material to the lawfulness of the sale of the said firearms to the defendant under Chapter 44, Title 18, United States Code, in that the defendant executed a Department of Justice, Bureau of Alcohol, Tobacco, and Firearms Form 4473 (Firearms Transaction Record) in which he falsely stated he was the actual buyer of the firearms when in fact he was purchasing the firearms on the behalf of another person.

In violation of Title 18, United States Code, Section 922(a)(6) and Section 924(a)(2).

COUNT THREE
(False Material Statement to a Federal Firearms Licensee)

On or about November 7, 2006, in the Houston Division of the Southern District of Texas,

JUAN PABLO GUTIERREZ,

the defendant herein, in connection with the acquisition of one or more firearms, namely five Beretta, M9 Model, 9 mm caliber pistols from Carter's Country No. 2, a firearms dealer within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious written statement to an employee of Carter's Country No. 2, which statement was intended and likely to deceive Carter's Country No. 2, as to a fact material to the lawfulness of the sale of the

said firearms to the defendant under Chapter 44, Title 18, United States Code, in that the defendant executed a Department of Justice, Bureau of Alcohol, Tobacco, and Firearms Form 4473 (Firearms Transaction Record) in which he falsely stated he was the actual buyer of the firearms when in fact he was purchasing the firearms on the behalf of another person.

In violation of Title 18, United States Code, Section 922(a)(6) and Section 924(a)(2).

COUNT FOUR
(False Material Statement to a Federal Firearms Licensee)

On or about December 12, 2006, in the Houston Division of the Southern District of Texas,

JUAN PABLO GUTIERREZ,

the defendant herein, in connection with the acquisition of one or more firearms, namely four Bushmaster, Model BCWA2F, .223 caliber rifles from Carter's Country No. 2, a firearms dealer within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious written statement to an employee of Carter's Country No. 2, which statement was intended and likely to deceive Carter's Country No. 2, as to a fact material to the lawfulness of the sale of the said firearms to the defendant under Chapter 44, Title 18, United States Code, in that the defendant executed a Department of Justice, Bureau of Alcohol, Tobacco, and Firearms Form 4473 (Firearms Transaction Record) in which he falsely stated he was the actual buyer of the firearms when in fact he was purchasing the firearms on the behalf of another person.

In violation of Title 18, United States Code, Section 922(a)(6) and Section 924(a)(2).

COUNT FIVE
(False Material Statement to a Federal Firearms Licensee)

On or about December 14, 2006, in the Houston Division of the Southern District of Texas,

JUAN PABLO GUTIERREZ,

the defendant herein, in connection with the acquisition of one or more firearms, namely three Bushmaster, Model M-4, .223 caliber rifles from Carter's Country No. 2, a firearms dealer within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious written statement to an employee of Carter's Country No. 2, which statement was intended and likely to deceive Carter's Country No. 2, as to a fact material to the lawfulness of the sale of the said firearms to the defendant under Chapter 44, Title 18, United States Code, in that the defendant executed a Department of Justice, Bureau of Alcohol, Tobacco, and Firearms Form 4473 (Firearms Transaction Record) in which he falsely stated he was the actual buyer of the firearms when in fact he was purchasing the firearms on the behalf of another person.

In violation of Title 18, United States Code, Section 922(a)(6) and Section 924(a)(2).

COUNT SIX

(False Material Statement to a Federal Firearms Licensee)

On or about December 16, 2006, in the Houston Division of the Southern District of Texas,

JUAN PABLO GUTIERREZ,

the defendant herein, in connection with the acquisition of one or more firearms, namely one Bushmaster, Model BCWA1F, .223 caliber rifle from Carter's Country No. 3, a firearms dealer within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious written statement to an employee of Carter's Country No. 3, which statement was intended and likely to deceive Carter's Country No. 3, as to a fact material to the lawfulness of the sale of the said firearms to the defendant under Chapter 44, Title 18, United States Code, in that the defendant executed a Department of Justice, Bureau of Alcohol, Tobacco, and Firearms

Form 4473 (Firearms Transaction Record) in which he falsely stated he was the actual buyer of the firearms when in fact he was purchasing the firearms on the behalf of another person.

In violation of Title 18, United States Code, Section 922(a)(6) and Section 924(a)(2).

COUNT SEVEN
(False Material Statement to a Federal Firearms Licensee)

On or about November 7, 2006, in the Houston Division of the Southern District of Texas,

JUAN PABLO GUTIERREZ,

the defendant herein, in connection with the acquisition of one or more firearms, namely five Beretta, Model M9, 9 mm caliber pistols from Carter's Country No. 1, a firearms dealer within the meaning of Chapter 44, Title 18, United States Code, willfully caused Gustavo Garcia to knowingly make a false and fictitious written statement to an employee of Carter's Country No. 1, which statement was intended and likely to deceive Carter's Country No. 1, as to a fact material to the lawfulness of the sale of the said firearms to the Gustavo Garcia under Chapter 44, Title 18, United States Code, in that the Gustavo Garcia executed a Department of Justice, Bureau of Alcohol, Tobacco, and Firearms Form 4473 (Firearms Transaction Record) in which he falsely stated he was the actual buyer of the firearms when in fact he was purchasing the firearms on the behalf of another person.

In violation of Title 18, United States Code, Sections 2(b), 922(a)(6) and 924(a)(2).

COUNT EIGHT
(False Material Statement to a Federal Firearms Licensee)

On or about November 14, 2006, in the Houston Division of the Southern District of Texas,

JUAN PABLO GUTIERREZ,

the defendant herein, in connection with the acquisition of one or more firearms, namely three Beretta, Model M9, 9 mm caliber pistols from Carter's Country No. 4, a firearms dealer within the meaning of Chapter 44, Title 18, United States Code, willfully caused Gustavo Garcia to knowingly make a false and fictitious written statement to an employee of Carter's Country No. 4, which statement was intended and likely to deceive Carter's Country No. 4, as to a fact material to the lawfulness of the sale of the said firearms to the Gustavo Garcia under Chapter 44, Title 18, United States Code, in that the Gustavo Garcia executed a Department of Justice, Bureau of Alcohol, Tobacco, and Firearms Form 4473 (Firearms Transaction Record) in which he falsely stated he was the actual buyer of the firearms when in fact he was purchasing the firearms on the behalf of another person.

In violation of Title 18, United States Code, Sections 2(b), 922(a)(6) and 924(a)(2).

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 or used in the commission of the offense in violation of Title 18, United States Code, Sections 922(a)(6) and (d), charged in Counts One through Eight, are subject to forfeiture, including but not limited to, the following:

- Beretta, Model M9, 9 mm pistol, serial number M9-107631;
- Beretta, Model M9, 9 mm pistol, serial number M9-107630;
- Beretta, Model M9, 9 mm pistol, serial number M9-107639;
- Beretta, Model M9, 9 mm pistol, serial number M9-107615;
- Beretta, Model M9, 9 mm pistol, serial number M9-107642;
- Beretta, Model M9, 9 mm pistol, serial number M9-107057;

- Beretta, Model M9, 9 mm pistol, serial number M9-107036;
- Beretta, Model M9, 9 mm pistol, serial number M9-107072;
- Beretta, Model M9, 9 mm pistol, serial number M9-107236;
- Beretta, Model M9, 9 mm pistol, serial number M9-107224;
- Beretta, Model M9, 9 mm pistol, serial number M9-107228;
- Beretta, Model M9, 9 mm pistol, serial number M9-107236839;
- Beretta, Model M9, 9 mm pistol, serial number M9-107232;
- H&K, USP9, 9 mm pistol, serial number 27072449;
- FN Herstal, Model Five-SeveN, 5.7 x 28 mm pistol, serial number 386123446;
- FN Herstal, Model Five-SeveN, 5.7 x 28 mm pistol, serial number 386122048;
- FN Herstal, Model Five-SeveN, 5.7 x 28 mm pistol, serial number 386123536;
- Colt, Model Government, .38 caliber pistol, serial number 38SS02044;
- Bushmaster, Model XM-15, .223 caliber rifle, serial number L388718;
- Bushmaster, Model XM-15, .223 caliber rifle, serial number BFI472902;
- Bushmaster, Model BCWA2F, .223 caliber rifle, serial number BFI467545;
- Bushmaster, Model BCWA2F, .223 caliber rifle, serial number L408452;
- Bushmaster, Model BCWA2F, .223 caliber rifle, serial number BFI484954;
- Bushmaster, Model BCWA2F, .223 caliber rifle, serial number BFI478496;
- Bushmaster, Model BCWA1F, .223 caliber rifle, serial number BFI480908;
- Bushmaster, Model M4, .223 caliber rifle, serial number L414778;
- Bushmaster, Model M4, .223 caliber rifle, serial number BFI487714;
- Bushmaster, Model M4, .223 caliber rifle, serial number BFI477126.

A TRUE BILL:

ORIGINAL SIGNATURE ON FILE
FOREPERSON OF THE GRAND JURY

TIM JOHNSON
Acting United States Attorney

By:



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