

United States Courts
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JUN - 2 2008

Michael H. Milby, Clerk

UNITED STATES OF AMERICA

v.

JOHN PHILLIP HERNANDEZ,
Defendant

§
§
§
§
§
§
§

CRIMINAL No. H-08-

H - 08 - 348

CRIMINAL INFORMATION

THE UNITED STATES ATTORNEY CHARGES THAT:

COUNT ONE

(False Material Statement to a Federal Firearms Licensee)

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

JOHN PHILLIP HERNANDEZ,

the defendant herein, in connection with the acquisition of one or more firearms, namely two Bushmaster, Model 16M4, .223 caliber rifles, from Academy No. 19, a firearms dealer within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious written statement to Academy No. 19, which statement was intended and likely to deceive Academy No. 19, 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).

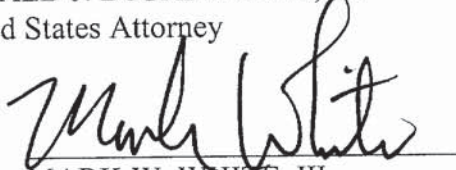
Notice of Criminal Forfeiture

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, Section 922(g)(1), charged in Count One are subject to forfeiture, including but not limited to, the following:

- 3 Bushmaster, Model BCWA1F16M4, .223 caliber semi-automatic rifles with serial numbers BFI470472, BFI474293, and L413930;
- a Beretta, Model 90-Two, 9 mm caliber pistol with serial number TX01910;
- a Bushmaster, Model BCWA2F, .223 caliber semi-automatic rifle with serial number BFI463016;
- 2 Smith & Wesson, Model MP15, .223 caliber semi-automatic rifles with serial numbers SW00310 and SW02508;
- 2 Bushmaster, Model A2M4, .223 caliber semi-automatic rifles with serial numbers BFI483794 and BFI483608;
- Beretta, Model Storm, 9 mm caliber semi-automatic rifle with serial number CX19245;
- 2 Bushmaster, Model 16M4, .223 caliber semi-automatic rifles with serial numbers BFI481550 and L404653;
- 2 FN, Model PS90, 5.7 mm caliber semi-automatic rifles with serial numbers FN040743 and FN040744;
- 5 Bushmaster, Model XM-15, .223 caliber semi-automatic rifles with serial numbers BFI480449, BFI487151, BFI480323, BFI478673, and BFI483327;
- 3 FN, Model 5.7, 5.7 mm caliber pistols with serial numbers 386141921, 386138391, and 386138500.

DONALD J. DeGABRIELLE, Jr.
United States Attorney

By:

A handwritten signature in black ink, appearing to read "Mark W. White, III", written over a horizontal line.

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