

FILED

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

2017 SEP -6 PM 5: 54

UNITED STATES OF AMERICA,

Plaintiff,

v.

CASMIRO BARBA TAPIA

Defendant.

INDICTMENT
SA 17 CR 703 DAE

Vio: 18 USC §922(a)(1)(A) Engaging
in Firearms Business without a
License; 18 USC §922(a)(6) False
Statement During Purchase of
Firearm; 18 USC §554(a) Smuggling
Goods from the United States

THE GRAND JURY CHARGES:

COUNT ONE

[18 USC §§922(a)(1)(A), 924(a)(1)(D)]

From on or about April 3, 2017 until August 9, 2017, in the Western District of Texas,

Defendant,

CASMIRO BARBA TAPIA,

not being a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Codes, did willfully engage in the business of dealing in firearms in violation of title 18 United States Code, Sections 922(a)(1)(A), 923(a), 924(a)(1)(D).

COUNT TWO

[18 USC §922(a)(6)]

From on or about April 3, 2017 until August 9, 2017, in the Western District of Texas,

Defendant,

CASMIRO BARBA TAPIA,

in connection with the acquisition of firearms namely:

- 1) Glock, model 42, .380 pistol, serial number ACEK001
- 2) Taurus, model PT809, 9mm pistol, TJY25047

- 3) Ruger, model LCP II, .380 pistol, serial number 380098129
- 4) Ruger, model LCP II, .380 pistol, serial number 380098607
- 5) Beretta, model PICO, .380 pistol, serial number PC040137
- 6) Beretta, model PICO, .380 pistol, serial number PC040170
- 7) Taurus, model PT738, .380 pistol, serial number 1D093389
- 8) Taurus, model PT738, .380 pistol, serial number 1D093547
- 9) HS Products, model XDM, 9 mm pistol, serial number MG472699
- 10) Glock, model 42, .380 pistol, serial number ACEL454
- 11) Glock, model 42, .380 pistol, serial number ACEL455
- 12) Smith & Wesson, model SD9VE, 9 mm pistol, serial number FYD1800
- 13) Taurus, model PT728, .380 pistol, serial number 1D076647
- 14) Taurus, model PT728, .380 pistol, serial number 1D076547
- 15) Beretta, model PICO, .380 pistol, serial number PC042189
- 16) Glock, model 42, .380 pistol, serial number ACPT207
- 17) Glock, model 23, 40 caliber pistol, serial number BEUE276
- 18) Smith & Wesson, model SD9VE, 9 mm pistol, serial number FYW7816
- 19) Smith & Wesson, model SD40VE, 40 cal pistol, serial number FYX2870
- 20) Beretta, model PICO, .380 pistol, serial number PC042188
- 21) Beretta, model PICO, .380 pistol, serial number PC042198
- 22) Walther, model PK380, .380 pistol, serial number WB106554
- 23) Walther, model P22, .22 cal pistol, serial number WA163089
- 24) Ruger, model LCP II, .380 pistol, serial number 380098038
- 25) Ruger, model LCP II, .380 pistol, serial number 380088961
- 26) Beretta, model PICO, .380 pistol, serial number PC042190
- 27) Ruger, model LCP II, .380 pistol, serial number 380100726
- 28) Ruger, model LCP II, .380 pistol, serial number 380100677
- 29) Glock, model 42, .380 pistol, serial number ACEL461
- 30) Taurus, model PT738, .380 pistol, serial number 1D105311
- 31) Beretta, model Pico, .380 pistol, serial number PC03862
- 32) Beretta, model Pico, .380 pistol, serial number PC041823
- 33) Smith and Wesson, model Bodyguard, .380 pistol, serial number KEP 7061
- 34) Smith & Wesson, model Bodyguard, .380 pistol, serial number KEP6961
- 35) Ruger, model LCP II, .380 pistol, serial number 380101937
- 36) Glock, model 42, .380 pistol, serial number ACKL095
- 37) Glock, model 42, .380 pistol, serial number ACKL096
- 38) Taurus, model PT738, .380 pistol, serial number 1D107274
- 39) Taurus, model PT738, .380 pistol, serial number 1D093572
- 40) Beretta, Pico, .380 pistol, serial number PC043548
- 41) Beretta, Pico, .380 pistol, serial number PC043554
- 42) Smith & Wesson, model Bodyguard, .380 pistol, serial number KEP8067
- 43) Smith & Wesson, model Bodyguard, .380 pistol, serial number KEP8046
- 44) Smith & Wesson, model Bodyguard, .380 pistol, serial number KEM4171
- 45) Ruger, model LCP II, .380 pistol, serial number 380095712

- 46) Ruger, model LCP II, .380 pistol, serial number 380095916
- 47) Ruger, model LCP II, .380 pistol, serial number 380106128
- 48) Ruger, model LCP II, .380 pistol, serial number 380105822
- 49) Ruger, model LCP II, .380 pistol, serial number 380106036
- 50) Ruger, model LCP II, .380 pistol, serial number 380106035
- 51) Smith & Wesson, Model BG380, .380 pistol, serial number KEW2053
- 52) Smith & Wesson, Model BG380, .380 pistol, serial number KET5078
- 53) Smith & Wesson, Model BG380, .380 pistol, serial number KEW1772
- 54) Smith & Wesson, Model BG380, .380 pistol, serial number KES6858
- 55) Walther, Model P22, .22 caliber pistol, serial number WA163096
- 56) Walther, Model P22, .22 caliber pistol, serial number WA163097
- 57) Walther, Model P22, .22 caliber pistol, serial number WB114478
- 58) Walther, Model PK380, .380 pistol, serial number WB114510
- 59) Walther, Model PK380, .380 pistol, serial number S/N WB114480
- 60) Sig Sauer, Model P320, .357 pistol, serial number 58C101695
- 61) Glock, Model G42, .380 caliber handgun, serial number ACNE236
- 62) Remington, Model RM380, .380 pistol, serial number RM035510C
- 63) Remington, Model RM380, .380 pistol, serial number RM035174C
- 64) Taurus, Model PT738, .380 pistol, serial number 1D107060
- 65) Beretta, Model PICO INOX, .380 pistol, serial number PC040689
- 66) Beretta, Model PICO INOX, .380 pistol, serial number PC040684

from D.D.G.P. a licensed dealer within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious written statement which statement was intended and likely to deceive D.D.G.P. as to a fact material to the lawfulness of such sale of said firearms to the defendant under chapter 44 of Title 18, in that defendant falsely answered "yes" to the question of whether he was the actual buyer of the firearms; in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2)

COUNT THREE
[18 U.S.C. § 554(a)]

From on or about April 3, 2017 until August 9, 2017, in the Western District of Texas,

Defendant,

CASMIRO BARBA TAPIA,

did knowingly and unlawfully export from the United States, any merchandise, article, or object, including but not limited to: 1) Beretta, .380 pistol, serial number PC040137; 2) Ruger, model LCP II .380 pistol, serial number 380098607; 3) Taurus, model PT738 TCP, .380 pistol serial number 1D076547; 4) Taurus, model PT738, .380 pistol, serial number 1D093547; 5) Taurus, model PT738, .380 pistol, serial number 1D076647 which are defense articles as defined under category I of the United States Munitions List, contrary to any law or regulation of the United States, in that the Defendant had not obtained a license or written authorization for such export, in violation of Title 22, United States Code, Sections 2778(b)(2) & 2778(c) and Title 22, Code of Federal Regulations, Parts 121, 123, & 127, all in violation of Title 18, United States Code, Section 554(a).

NOTICE OF UNITED STATES OF AMERICA'S DEMAND FOR FORFEITURE

[See Fed. R. Crim. P. 32.2]

This Notice of Demand for Forfeiture includes but is not limited to the properties described below in Paragraph II.

I.

Firearm Violations and Forfeiture Statutes

[Title 18 U.S.C. §§ 922(a)(1)(A), 922(a)(6) and 924(a)(1)(D), subject to forfeiture pursuant to Title 18 U.S.C. § 924(d)(1), made applicable to criminal forfeiture by Title 28 U.S.C. § 2461]

As a result of the criminal violations set forth in Counts One and Two, the United States of America gives notice to Defendant CASMIRO BARBA TAPIA of its intent to seek the forfeiture of the below described properties upon conviction and pursuant to Fed. R. Crim. P. 32.2 and Title 18 U.S.C. § 924(d)(1), made applicable to criminal forfeiture by Title 28 U.S.C. § 2461, which states:

Title 18 U.S.C. § 924. Penalties(d)(I) Any firearm or ammunition involved in or used in any knowing violation of subsection (a)(6) . . . or knowing violation of section 924, or willful violation

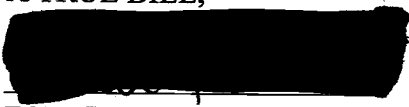
of any other provision of this chapter or any rule or regulation promulgated thereunder . . . shall be subject to seizure and forfeiture . . . under the provisions of this chapter. . . .

II.
Personal Properties

- 1) Glock, model 42, .380 pistol, serial number ACEK001;
- 2) Taurus, model PT809, 9mm pistol, TJY25047;
- 3) Ruger, model LCP II, .380 pistol, serial number 380098129;
- 4) Ruger, model LCP II, .380 pistol, serial number 380098607;
- 5) Beretta, model PICO, .380 pistol, serial number PC040137;
- 6) Beretta, model PICO, .380 pistol, serial number PC040170;
- 7) Taurus, model PT738, .380 pistol, serial number 1D093389;
- 8) Taurus, model PT738, .380 pistol, serial number 1D093547;
- 9) HS Products, model XDM. 9 mm pistol, serial number MG472699;
- 10) Glock, model 42, .380 pistol, serial number ACEL454;
- 11) Glock, model 42, .380 pistol, serial number ACEL455;
- 12) Smith & Wesson, model SD9VE, 9 mm pistol, serial number FYD1800;
- 13) Taurus, model PT728, .380 pistol, serial number 1D076647;
- 14) Taurus, model PT728, .380 pistol, serial number 1D076547;
- 15) Beretta, model PICO, .380 pistol, serial number PC042189;
- 16) Glock, model 42, .380 pistol, serial number ACPT207;
- 17) Glock, model 23, 40 caliber pistol, serial number BEUE276;
- 18) Smith & Wesson, model SD9VE, 9 mm pistol, serial number FYW7816;
- 19) Smith & Wesson, model SD40VE, 40 cal pistol, serial number FYX2870;
- 20) Beretta, model PICO, .380 pistol, serial number PC042188;
- 21) Beretta, model PICO, .380 pistol, serial number PC042198;
- 22) Walther, model PK380, .380 pistol, serial number WB106554;
- 23) Walther, model P22, .22 cal pistol, serial number WA163089;
- 24) Ruger, model LCP II, .380 pistol, serial number 380098038;
- 25) Ruger, model LCP II, .380 pistol, serial number 380088961;
- 26) Beretta, model PICO, .380 pistol, serial number PC042190;
- 27) Ruger, model LCP II, .380 pistol, serial number 380100726;
- 28) Ruger, model LCP II, .380 pistol, serial number 380100677;
- 29) Glock, model 42, .380 pistol, serial number ACEL461;
- 30) Taurus, model PT738, .380 pistol, serial number 1D105311;
- 31) Beretta, model Pico, .380 pistol, serial number PC03862;
- 32) Beretta, model Pico, .380 pistol, serial number PC041823;
- 33) Smith and Wesson, model Bodyguard, .380 pistol, serial number KEP 7061;
- 34) Smith & Wesson, model Bodyguard, .380 pistol, serial number KEP6961;
- 35) Ruger, model LCP II, .380 pistol, serial number 380101937;
- 36) Glock, model 42, .380 pistol, serial number ACKL095;
- 37) Glock, model 42, .380 pistol, serial number ACKL096;

- 38) Taurus, model PT738, .380 pistol, serial number 1D107274;
 - 39) Taurus, model PT738, .380 pistol, serial number 1D093572;
 - 40) Beretta, Pico, .380 pistol, serial number PC043548;
 - 41) Beretta, Pico, .380 pistol, serial number PC043554;
 - 42) Smith & Wesson, model Bodyguard, .380 pistol, serial number KEP8067;
 - 43) Smith & Wesson, model Bodyguard, .380 pistol, serial number KEP8046;
 - 44) Smith & Wesson, model Bodyguard, .380 pistol, serial number KEM4171;
 - 45) Ruger, model LCP II, .380 pistol, serial number 380095712;
 - 46) Ruger, model LCP II, .380 pistol, serial number 380095916;
 - 47) Ruger, model LCP II, .380 pistol, serial number 380106128;
 - 48) Ruger, model LCP II, .380 pistol, serial number 380105822;
 - 49) Ruger, model LCP II, .380 pistol, serial number 380106036;
 - 50) Ruger, model LCP II, .380 pistol, serial number 380106035;
 - 51) Smith & Wesson, Model BG380, .380 pistol, serial number KEW2053;
 - 52) Smith & Wesson, Model BG380, .380 pistol, serial number KET5078;
 - 53) Smith & Wesson, Model BG380, .380 pistol, serial number KEW1772;
 - 54) Smith & Wesson, Model BG380, .380 pistol, serial number KES6858;
 - 55) Walther, Model P22, .22 caliber pistol, serial number WA163096;
 - 56) Walther, Model P22, .22 caliber pistol, serial number WA163097;
 - 57) Walther, Model P22, .22 caliber pistol, serial number WB114478;
 - 58) Walther, Model PK380, .380 pistol, serial number WB114510;
 - 59) Walther, Model PK380, .380 pistol, serial number S/N WB114480;
 - 60) Sig Sauer, Model P320, .357 pistol, serial number 58C101695;
 - 61) Glock, Model G42, .380 caliber handgun, serial number ACNE236;
 - 62) Remington, Model RM380, .380 pistol, serial number RM035510C;
 - 63) Remington, Model RM380, .380 pistol, serial number RM035174C;
 - 64) Taurus, Model PT738, .380 pistol, serial number 1D107060;
 - 65) Beretta, Model PICO INOX, .380 pistol, serial number PC040689;
 - 66) Beretta, Model PICO INOX, .380 pistol, serial number PC040684; and
- Any and all assorted ammunition and firearm accessories.

A TRUE BILL,


FOREPERSON

RICHARD L. DURBIN, Jr.
United States Attorney


CHRISTINA PLAYTON
Assistant United States Attorney