

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : **CRIMINAL NO.** _____
v. : **DATE FILED:** _____
THERESA BROWN : **VIOLATIONS:**
TONY SOTO : **18 U.S.C. § 924(a)(1)(A) (false statements**
: **to a federal firearms dealer - 4 counts)**
: **18 U.S.C. § 2 (aiding and abetting)**
: **Notice of forfeiture**

INDICTMENT

COUNTS ONE THROUGH FOUR

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

1. Delia’s Gun Shop, 6104 Torresdale Avenue, Philadelphia, PA., possessed a federal firearms license (“FFL”) and was authorized to deal in firearms under federal laws.
2. FFL holders are licensed, among other things, to sell firearms and ammunition. Various rules and regulations, promulgated under the authority of Chapter 44, Title 18, United States Code, govern the manner in which FFL holders are permitted to sell firearms and ammunition.
3. The rules and regulations governing FFL holders require that a person seeking to purchase a firearm fill out a Firearm Transaction Record, ATF Form 4473. Part of the Form 4473 requires that the prospective purchaser certify that all his or her answers on Form 4473 are true and correct. Question 11(a) of ATF Form 4473 requires that the prospective

purchaser certify truthfully, subject to penalties of perjury, that he or she is the actual buyer of the firearm. The ATF Form 4473 contains language warning that “You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual buyer, the dealer cannot transfer the firearm(s) to you.” The Form 4473 also includes a certification by the buyer of the firearm(s) that “I understand that answering ‘yes’ to question 11(a) if I am not the actual buyer of the firearm is a crime punishable as a felony.”

4. FFL holders are required to maintain a record, in the form of a completed Form 4473, of the identity of the actual buyer of firearms sold by the FFL holder, including the buyer’s home address and date of birth.

5. On or about the dates set out in the chart below, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**THERESA BROWN and
TONY SOTO,**

in connection with the acquisition of each of the firearms listed below from Delia’s Gun Shop, 6104 Torresdale Avenue, Philadelphia PA., an FFL holder, knowingly made, and aided, abetted, and wilfully caused, a false statement and representation with respect to information required by the provisions of Chapter 44, Title 18, United States Code, to be kept in the FFL holder’s records, in that defendant BROWN certified on the Form 4473 that she was the actual buyer of the firearms, when in fact, as the defendants knew, this statement was false and fictitious.

COUNT	DATE	FIREARM
1	December 2, 2004	1 Mossberg, Model 500A, 12 gauge shotgun, serial number L455156

2	March 29, 2005	1 Hi-Point, Model 995, 9mm rifle, serial number A50105
3	April 1, 2005	1 Hi-Point, Model 995, 9mm rifle, serial number B44485
4	April 6, 2005	1 Kel-Tec, Model SW16, .223 caliber rifle, serial number N0G12

All in violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

As a result of the violations of Title 18, United States Code, Section 924(a)(1)(A), set forth in this indictment, defendants

**THERESA BROWN and
TONY SOTO,**

shall forfeit to the United States of America the firearms involved in the commission of such offenses, including, but not limited to:

- (1) 1 Mossberg, Model 500A, 12 gauge shotgun, serial number L455156, and
- (2) 1 Hi-Point, Model 995, 9mm rifle, serial number A50105, and
- (3) 1 Hi-Point, Model 995, 9mm rifle, serial number B44485, and
- (4) 1 Kel-Tec, Model SW16, .223 caliber rifle, serial number N0G12.

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

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney