

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

**UNITED STATES OF AMERICA** : **CRIMINAL NO.** \_\_\_\_\_  
**v.** : **DATE FILED:** \_\_\_\_\_  
**ORLANDO J. RODRIGUEZ** : **VIOLATIONS:**  
: **18 U.S.C. § 922(u) (theft of a firearm**  
: **from a federal firearms licensee - 1 count)**  
: **18 U.S.C. § 922(j) (possession of a stolen**  
: **firearm - 1 count)**  
: **Notice of forfeiture**

**INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

1. On or about October 29, 2005, Kayton Company, d/b/a Army & Navy Store (“Army & Navy Store” or “store”), 1045 Grape Street, Whitehall, Pennsylvania 18052, FFL# 8-23-13438, was licensed to engage in the business of dealing in firearms.
2. On or about October 29, 2005, the following firearms, the total retail value of which is approximately \$22,745, were in the business inventory of Army & Navy Store:
  - 1) a Keltec, model P-11, 9mm pistol, serial number A4Y65;
  - 2) an H&K, model USP, .45 caliber pistol, serial number 29-028441;
  - 3) a Taurus, model 94, .22 caliber pistol, serial number UD94977;
  - 4) a Ruger, model KSP321, .357 caliber pistol, serial number 573-45362;
  - 5) a Smith & Wesson, model 60, .357 caliber pistol, serial number CJJ0469;

- 6) a Smith & Wesson, model 638, .38 caliber pistol, serial number CJC0218;
- 7) a Taurus, model 851, .38 caliber pistol, serial number XA56799;
- 8) a Beretta, model Tomcat, .32 caliber pistol, serial number DAA366676;
- 9) a Beretta, model 30, .32 caliber pistol, serial number DAA338576;
- 10) a Ruger, model P89TH, 9mm pistol, serial number 315-61552;
- 11) a Ruger, model KSRH7480, .480 caliber pistol, serial number 551-86883, equipped with a scope;
- 12) a Sig Sauer, model P229, .40 caliber pistol, serial number AL34447;
- 13) a Walther, model PPKS, .380 caliber pistol, serial number 0461BAE;
- 14) a Beretta, model Brigadier, .40 caliber pistol, serial number BER130771;
- 15) a Taurus, model M85, .38 caliber pistol, serial number XD79016;
- 16) a Ruger, model KP944TH, .40 caliber pistol, serial number 341-43723;
- 17) a Ruger, model P944TH, .40 caliber pistol, serial number 341-41514;
- 18) a Beretta, model 21 INOX, .22 caliber pistol, serial number DAA-353937;

- 19) a Taurus, model PT 140, .40 caliber pistol, serial number SYH22256;
- 20) a Kahr, model TP9, 9mm pistol, serial number YB3260;
- 21) a Glock, model 22 FSHC, .40 caliber pistol, serial number HRP276;
- 22) a SigArms, model P226C, .357 caliber pistol, serial number UV604698;
- 23) a Smith & Wesson, model 4006TSW, .40 caliber pistol, serial number BAY2691;
- 24) a Browning, model Pro 40, .40 caliber pistol, serial number 51CMV01034;
- 25) a Steyr, model M9, 9mm pistol, serial number 028391;
- 26) a Ruger, model P944T, .40 caliber pistol, serial number 341-42523;
- 27) a Para-Ordnance, model HAWG9, 9mm pistol, serial number P145491;
- 28) a Browning, model HiPower, 9mm pistol, serial number 511MW50980;
- 29) a Taurus, model PT111, 9mm pistol, serial number TYL67835;
- 30) a Glock, model 27, .40 caliber pistol, serial number FDY050;
- 31) a Glock, model 26FS, 9mm pistol, serial number GEY770;
- 32) a Taurus, model PT24/7, 9mm pistol, serial number TXD70362;

- 33) a Smith & Wesson, model SW99, 9mm pistol, serial number SAE7682;
- 34) a Springfield, model XD, 9mm pistol, serial number US958462;
- 35) a Beretta, model 92, 9mm pistol, serial number BER423429;
- 36) a Springfield, model XD9, 9mm pistol, serial number US972754;
- 37) a Taurus, model PT24/7, 9mm pistol, serial number TWK27374;
- 38) a Ruger, model KP9SDL15, 9mm pistol, serial number 315-54701;
- 39) a FN, model 49, 9mm pistol, serial number 517MM10996;
- 40) a Smith & Wesson, model 9VE, 9mm pistol, serial number PD30364;
- 41) a Ruger, model P89T, 9mm pistol, serial number 315-55363;
- 42) a Beretta, model 92FS, 9mm pistol, serial number BER374716;
- 43) a Browning, model Pro 9, 9mm pistol, serial number 51BMW01440;
- 44) a Taurus, model PT938, .380 caliber pistol, serial number KSH95032;
- 45) a Smith & Wesson, model 637, .38 caliber pistol, serial number CJD7355;
- 46) a Smith & Wesson, model 637, .38 caliber pistol, serial number CHL0636;

- 47) a Bushmaster, model XM15E25, .223 semiautomatic rifle (a semiautomatic assault weapon), serial number L313487, equipped with a scope; and
- 48) a Browning, model Hi-Power, .40 caliber pistol, serial number 513MX53979.

On or about October 29, 2005:

3. Defendant ORLANDO J. RODRIGUEZ entered the Army & Navy Store to steal firearms. To gain access to the firearms, defendant RODRIGUEZ hid inside the store until closing, then he stole a book bag and, wearing gloves, used a screw driver to pry open the locked gun cases, removed from the gun cases the 47 pistols listed in paragraph 2 of this Count, stole the semiautomatic assault weapon listed in paragraph 2 of this Count from its place on a wall near the gun cases, stole handcuffs, thinking he was stealing ammunition, loaded approximately 44 of the pistols and the handcuffs into the book bag, and secreted the remaining three pistols on his person.

4. At approximately 10:00 p.m., unbeknownst to defendant ORLANDO J. RODRIGUEZ, he triggered the Army & Navy Store alarm system, and in response, Whitehall Township Police officers went to the store and secured the exits. Shortly after the police arrived, the receiving door at the rear of the Army & Navy Store opened, and police officers spotted defendant RODRIGUEZ, who was holding a semiautomatic assault weapon and a heavy, gun-laden book bag, standing on the loading platform. On command, defendant RODRIGUEZ dropped the assault weapon and book bag but ran immediately back into the Army & Navy Store. Before realizing that he had no options, defendant RODRIGUEZ dropped a stolen pistol and a

flashlight inside the store and threw two pistols up on a shelf in a storage area of the store. Inside the store, he also dropped the gloves he had used and a cell phone. Defendant RODRIGUEZ finally surrendered to the police and was arrested. According to defendant RODRIGUEZ he intended to sell the pistols and semiautomatic assault weapon on the street.

5. On or about October 29, 2005, in Whitehall, in the Eastern District of Pennsylvania, defendant

**ORLANDO J. RODRIGUEZ**

stole and unlawfully took and carried away from the premises of the Army & Navy Store a firearm from the store's business inventory, that is, the firearms listed in paragraph 2 of this Count, each of which had been shipped and transported in interstate and foreign commerce.

In violation of Title 18, United States Code, Section 922(u).

**COUNT TWO**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about October 29, 2005, in Whitehall, in the Eastern District of Pennsylvania, defendant

**ORLANDO J. RODRIGUEZ**

knowingly possessed a stolen firearm, that is:

- 1) a Keltec, model P-11, 9mm pistol, serial number A4Y65;
- 2) an H&K, model USP, .45 caliber pistol, serial number 29-028441;
- 3) a Taurus, model 94, .22 caliber pistol, serial number UD94977;
- 4) a Ruger, model KSP321, .357 caliber pistol, serial number 573-45362;
- 5) a Smith & Wesson, model 60, .357 caliber pistol, serial number CJJ0469;
- 6) a Smith & Wesson, model 638, .38 caliber pistol, serial number CJC0218;
- 7) a Taurus, model 851, .38 caliber pistol, serial number XA56799;
- 8) a Beretta, model Tomcat, .32 caliber pistol, serial number DAA366676;
- 9) a Beretta, model 30, .32 caliber pistol, serial number DAA338576;
- 10) a Ruger, model P89TH, 9mm pistol, serial number 315-61552;
- 11) a Ruger, model KSRH7480, .480 caliber pistol, serial number 551-86883,  
equipped with a scope;
- 12) a Sig Sauer, model P229, .40 caliber pistol, serial number AL34447;
- 13) a Walther, model PPKS, .380 caliber pistol, serial number 0461BAE;
- 14) a Beretta, model Brigadier, .40 caliber pistol, serial number BER130771;
- 15) a Taurus, model M85, .38 caliber pistol, serial number XD79016;

- 16) a Ruger, model KP944TH, .40 caliber pistol, serial number 341-43723;
- 17) a Ruger, model P944TH, .40 caliber pistol, serial number 341-41514;
- 18) a Beretta, model 21 INOX, .22 caliber pistol, serial number DAA-353937;
- 19) a Taurus, model PT 140, .40 caliber pistol, serial number SYH22256;
- 20) a Kahr, model TP9, 9mm pistol, serial number YB3260;
- 21) a Glock, model 22 FSHC, .40 caliber pistol, serial number HRP276;
- 22) a SigArms, model P226C, .357 caliber pistol, serial number UV604698;
- 23) a Smith & Wesson, model 4006TSW, .40 caliber pistol, serial number BAY2691;
- 24) a Browning, model Pro 40, .40 caliber pistol, serial number 51CMV01034;
- 25) a Steyr, model M9, 9mm pistol, serial number 028391;
- 26) a Ruger, model P944T, .40 caliber pistol, serial number 341-42523;
- 27) a Para-Ordnance, model HAWG9, 9mm pistol, serial number P145491;
- 28) a Browning, model HiPower, 9mm pistol, serial number 511MW50980;
- 29) a Taurus, model PT111, 9mm pistol, serial number TYL67835;
- 30) a Glock, model 27, .40 caliber pistol, serial number FDY050;
- 31) a Glock, model 26FS, 9mm pistol, serial number GEY770;
- 32) a Taurus, model PT24/7, 9mm pistol, serial number TXD70362;
- 33) a Smith & Wesson, model SW99, 9mm pistol, serial number SAE7682;
- 34) a Springfield, model XD, 9mm pistol, serial number US958462;
- 35) a Beretta, model 92, 9mm pistol, serial number BER423429;

- 36) a Springfield, model XD9, 9mm pistol, serial number US972754;
- 37) a Taurus, model PT24/7, 9mm pistol, serial number TWK27374;
- 38) a Ruger, model KP9SDL15, 9mm pistol, serial number 315-54701;
- 39) a FN, model 49, 9mm pistol, serial number 517MM10996;
- 40) a Smith & Wesson, model 9VE, 9mm pistol, serial number PD30364;
- 41) a Ruger, model P89T, 9mm pistol, serial number 315-55363;
- 42) a Beretta, model 92FS, 9mm pistol, serial number BER374716;
- 43) a Browning, model Pro 9, 9mm pistol, serial number 51BMW01440;
- 44) a Taurus, model PT938, .380 caliber pistol, serial number KSH95032;
- 45) a Smith & Wesson, model 637, .38 caliber pistol, serial number CJD7355;
- 46) a Smith & Wesson, model 637, .38 caliber pistol, serial number CHL0636;
- 47) a Bushmaster, model XM15E25, .223 semiautomatic rifle (a semiautomatic assault weapon), serial number L313487, equipped with a scope; and
- 48) a Browning, model Hi-Power, .40 caliber pistol, serial number 513MX53979,

each of which had been shipped and transported in interstate and foreign commerce before it was stolen, knowing and having reasonable cause to believe each of the firearms was stolen.

In violation of Title 18, United States Code, Section 922(j).

## NOTICE OF FORFEITURE

### THE GRAND JURY FURTHER CHARGES THAT:

As a result of the violations of Title 18, United States Code, Sections 922(u) and 922(j), set forth in this indictment, defendant

### **ORLANDO J. RODRIGUEZ**

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

- 1) a Keltec, model P-11, 9mm pistol, serial number A4Y65;
- 2) an H&K, model USP, .45 caliber pistol, serial number 29-028441;
- 3) a Taurus, model 94, .22 caliber pistol, serial number UD94977;
- 4) a Ruger, model KSP321, .357 caliber pistol, serial number 573-45362;
- 5) a Smith & Wesson, model 60, .357 caliber pistol, serial number CJJ0469;
- 6) a Smith & Wesson, model 638, .38 caliber pistol, serial number CJC0218;
- 7) a Taurus, model 851, .38 caliber pistol, serial number XA56799;
- 8) a Beretta, model Tomcat, .32 caliber pistol, serial number DAA366676;
- 9) a Beretta, model 30, .32 caliber pistol, serial number DAA338576;
- 10) a Ruger, model P89TH, 9mm pistol, serial number 315-61552;
- 11) a Ruger, model KSRH7480, .480 caliber pistol, serial number 551-86883,  
equipped with a scope;
- 12) a Sig Sauer, model P229, .40 caliber pistol, serial number AL34447;
- 13) a Walther, model PPKS, .380 caliber pistol, serial number 0461BAE;
- 14) a Beretta, model Brigadier, .40 caliber pistol, serial number BER130771;

- 15) a Taurus, model M85, .38 caliber pistol, serial number XD79016;
- 16) a Ruger, model KP944TH, .40 caliber pistol, serial number 341-43723;
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- 18) a Beretta, model 21 INOX, .22 caliber pistol, serial number DAA-353937;
- 19) a Taurus, model PT 140, .40 caliber pistol, serial number SYH22256;
- 20) a Kahr, model TP9, 9mm pistol, serial number YB3260;
- 21) a Glock, model 22 FSHC, .40 caliber pistol, serial number HRP276;
- 22) a SigArms, model P226C, .357 caliber pistol, serial number UV604698;
- 23) a Smith & Wesson, model 4006TSW, .40 caliber pistol, serial number BAY2691;
- 24) a Browning, model Pro 40, .40 caliber pistol, serial number 51CMV01034;
- 25) a Steyr, model M9, 9mm pistol, serial number 028391;
- 26) a Ruger, model P944T, .40 caliber pistol, serial number 341-42523;
- 27) a Para-Ordnance, model HAWG9, 9mm pistol, serial number P145491;
- 28) a Browning, model HiPower, 9mm pistol, serial number 511MW50980;
- 29) a Taurus, model PT111, 9mm pistol, serial number TYL67835;
- 30) a Glock, model 27, .40 caliber pistol, serial number FDY050;
- 31) a Glock, model 26FS, 9mm pistol, serial number GEY770;
- 32) a Taurus, model PT24/7, 9mm pistol, serial number TXD70362;
- 33) a Smith & Wesson, model SW99, 9mm pistol, serial number SAE7682;
- 34) a Springfield, model XD, 9mm pistol, serial number US958462;

- 35) a Beretta, model 92, 9mm pistol, serial number BER423429;
- 36) a Springfield, model XD9, 9mm pistol, serial number US972754;
- 37) a Taurus, model PT24/7, 9mm pistol, serial number TWK27374;
- 38) a Ruger, model KP9SDL15, 9mm pistol, serial number 315-54701;
- 39) a FN, model 49, 9mm pistol, serial number 517MM10996;
- 40) a Smith & Wesson, model 9VE, 9mm pistol, serial number PD30364;
- 41) a Ruger, model P89T, 9mm pistol, serial number 315-55363;
- 42) a Beretta, model 92FS, 9mm pistol, serial number BER374716;
- 43) a Browning, model Pro 9, 9mm pistol, serial number 51BMW01440;
- 44) a Taurus, model PT938, .380 caliber pistol, serial number KSH95032;
- 45) a Smith & Wesson, model 637, .38 caliber pistol, serial number CJD7355;
- 46) a Smith & Wesson, model 637, .38 caliber pistol, serial number CHL0636;
- 47) a Bushmaster, model XM15E25, .223 semiautomatic rifle (a semiautomatic assault weapon), serial number L313487, equipped with a scope; and

48) a Browning, model Hi-Power, .40 caliber pistol, serial number  
513MX53979.

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

**TRUE BILL:**

**\_\_\_\_\_  
GRAND JURY FOREPERSON**

**\_\_\_\_\_  
PATRICK L. MEEHAN  
UNITED STATES ATTORNEY**