

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

UNITED STATES OF AMERICA	:	CRIMINAL NO. <u>08-661</u>
v.	:	DATE FILED: <u>10/28/08 (Lterger)</u>
JASON RILEY	:	VIOLATIONS: <u>(uncompensated 12/11/08)</u>
EVELYN LLOYD,	:	18 U.S.C. § 924(a)(1)(A) (making a false
a/k/a "Everlynn G. Smith"	:	statement to a federal firearms licensee –
	:	1 count)
	:	18 U.S.C. § 922(g)(1) (possession of a
	:	firearm by a convicted felon - 1 count)
	:	18 U.S.C. § 2 (aiding and abetting)
		Notice of forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

1. Mike's Sporting Goods, Inc., 8010 Mill Creek Road and Route 13, in Levittown, Pennsylvania, 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, governed 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 handgun fill out a Firearms 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. The Form 4473 requires the purchaser to answer questions about the purchase, including question 12a, "Are you the actual buyer of the firearm(s)? Warning: You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person." The Form 4473 also contains a warning, "I understand that answering 'yes' to question 12a when I am not the actual buyer of the firearm is a crime punishable as a felony."

4. A person who purchases a firearm for another person and falsely completes the Form 4473 is a "straw purchaser." Acting as a straw purchaser is referred to as "lying and buying."

5. 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, to ensure that the person was not prohibited from purchasing a firearm.

6. Convicted felons are persons prohibited by law from buying firearms.

7. Defendant JASON RILEY was a convicted felon prohibited by law from buying firearms.

8. Defendants JASON RILEY and EVELYN LLOYD asked J.B., a person known to the grand jury and charged elsewhere, to straw purchase firearms, knowing that J.B. would assert that she was buying the firearms for herself, although that was not true. Defendant RILEY agreed to pay for the firearms and to pay J.B. for purchasing them.

9. On or about December 13, 2003, in Levittown, in the Eastern District of Pennsylvania, defendants

**JASON RILEY and
EVELYN LLOYD,
a/k/a "Everlynn G. Smith,"**

in connection with the acquisition of a firearm, that is, a Kel Tec Model P3AT .380 caliber pistol, serial number H1M33, and a Bersa Mini Firestorm, 9 millimeter pistol, serial number 572451, from Mike's Sporting Goods, knowingly made, and aided, abetted the making of, a false statement and representation with respect to the information required by the provisions of Chapter 44, Title 18, United States Code, to be kept in the records of Mike's Sporting Goods, a federally licensed firearms dealer, in that, at the direction of defendants JASON RILEY and EVELYN LLOYD, J.B., a person known to the grand jury ("the straw purchaser"), falsely represented on Department of Treasury Form 4473, Firearms Transaction Record, that she was the actual buyer of the firearms listed above, when in fact, defendants RILEY, LLOYD, and J.B. knew this statement was false and fictitious.

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

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about December 13, 2003, in Levittown, in the Eastern District of Pennsylvania,
defendant

JASON RILEY,

having been convicted in a court in the state of New Jersey of a crime punishable by
imprisonment for a term exceeding one year, knowingly possessed, in and affecting interstate
commerce, a firearm, that is, a Kel Tec Model P3AT, .380 caliber pistol, serial number H1M33,
and a Bersa Mini Firestorm, 9 millimeter pistol, serial number 572451.

In violation of Title 18, United States Code, Section 922(g)(1).

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

As a result of the violations of Title 18, United States Code, Sections 924(a)(1)(A), 2, and 922(g)(1), set forth in this indictment, defendants

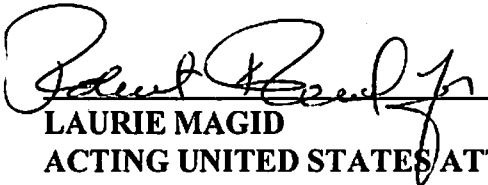
**JASON RILEY and
EVELYN LLOYD,
a/k/a "Everlynn G. Smith,"**

shall forfeit to the United States of America the firearms involved in the commission of these offenses, including, but not limited to a Kel Tec Model P3AT, .380 caliber pistol, serial number H1M33 and a Bersa Mini Firestorm, 9 millimeter pistol, serial number 572451.

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

A TRUE BILL:

GRAND JURY FOREPERSON


**LAURIE MAGID
ACTING UNITED STATES ATTORNEY**