

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

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
v.	:	DATE FILED: _____
DWAYNE LYNCH	:	VIOLATIONS:
	:	18 U.S.C. § 924(a)(1)(A) (false statements to federal firearms licensee - 1 count)
	:	18 U.S.C. § 922(d) (sale of a firearm to a convicted felon - 1 count)
	:	18 U.S.C. § 922(k) (possession of a firearm with an obliterated serial number - 1 count)
	:	Notice of forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

1. Ready, Aim, Fire, located at 5800 Elmwood Avenue, Suite F, in Bristol, Pennsylvania, in the Eastern District of 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, 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 handgun fill out a Firearm Transaction Record, ATF Form 4473. Part of

the Form 4473 requires that the prospective purchaser certify that all his answers on Form 4473 are true and correct. Question 11a of Form 4473 asks the prospective purchaser if he or she is the actual buyer of the firearm(s) listed on the form. Question 11a explains that "You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person."

4. Another 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 prospective purchaser also certifies that he or she understands that "answering 'yes' to question 11a when I am not the actual buyer of the firearm is a crime punishable as a felony."

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

6. 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.

7. On or about April 15, 2009, in the Eastern District of Pennsylvania, defendant

DWAYNE LYNCH,

in connection with the acquisition of a Mossberg, Model 500 shotgun, serial number T386750, from Ready, Aim, Fire, a federal firearms license holder, knowingly made 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 holders' records, in that, defendant LYNCH certified on an ATF Form 4473, Firearms Transaction Record, that he was the actual buyer of the firearm

listed above, when, in fact, LYNCH knew this statement was false and fictitious.

In violation of Title 18, United States Code, Section 924(a)(1)(A).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about April 15, 2009, in Bristol, in the Eastern District of Pennsylvania,
defendant

DWAYNE LYNCH

knowingly sold and otherwise disposed of a firearm, that is, a Mossberg, Model 500 shotgun, serial number T386750, to Person #1 known to the grand jury, knowing and having reasonable cause to believe that Person #1 previously had been convicted of a crime punishable by imprisonment for a term exceeding one year.

In violation of Title 18, United States Code, Sections 922(d)(1) and 924(a)(2).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about April 23, 2009, in Bristol, in the Eastern District of Pennsylvania,
defendant

DWAYNE LYNCH

knowingly possessed a firearm, that is, a Highpoint, 9mm handgun, loaded with eight rounds of ammunition, which had the serial number removed, obliterated, and altered, and had been shipped and transported in interstate commerce.

In violation of Title 18, United States Code, Sections 922(k) and 924(a)(1)(B).

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

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

DWAYNE LYNCH

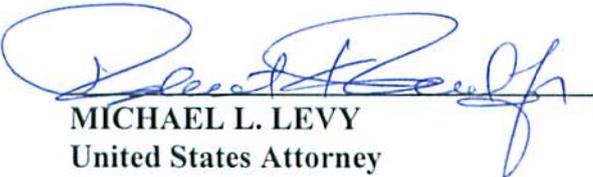
shall forfeit to the United States of America the firearms and ammunition involved in the commission of these offenses, including, but not limited to:

- (1) a Mossberg, Model 500 shotgun, with serial number T386750;
- (2) a Highpoint, 9mm handgun, with an obliterated serial number; and
- (3) eight rounds of ammunition.

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


MICHAEL L. LEVY
United States Attorney