

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

| | | | |
|---------------------------------|----------|---|---------------------------|
| UNITED STATES OF AMERICA | : | CRIMINAL NO. | _____ |
| v. | : | DATE FILED: | September 22, 2009 |
| COLOSIMO'S INC. | : | VIOLATION: | |
| | : | 18 U.S.C. § 922(m) (making false | |
| | : | statements and failing to properly | |
| | : | maintain firearms transaction | |
| | : | records by a federal firearms licensee - 1 | |
| | | count) | |

INFORMATION

COUNT ONE

THE UNITED STATES ATTORNEY CHARGES THAT:

At all times relevant to this information:

1. Defendant COLOSIMO'S, INC., located at 933-37 Spring Garden Street in Philadelphia, Pennsylvania, was a Federal Firearms Licensee ("FFL") (FFL #8-23-00700, issued by the United States Attorney General) and was authorized to deal in firearms under federal law.
2. Various rules and regulations contained in and promulgated under the authority of Chapter 44, Title 18, United States Code, govern the manner in which an FFL, such as defendant COLOSIMO'S, INC., may sell firearms and ammunition.
3. Federal law required FFLs to maintain complete, accurate, and truthful records of all firearms transactions, including but not limited to, a Firearms Transaction Record, ATF Form 4473 (relating to the transfer and sale of firearms) and an Acquisition and Disposition ("A&D") Ledger (relating to the acquisition and disposition of firearms). These records

permitted the United States Attorney General and his representatives, including but not limited to the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), to provide support to Federal, State, and local law enforcement officials in their fight against crime and violence by accounting for firearms and helping to assure firearms were not acquired by criminals or other persons who were not lawfully permitted to receive or possess firearms.

4. The rules and regulations governing FFL holders required that a person seeking to purchase a firearm fill out a Firearms Transaction Record, ATF Form 4473. Part of Form 4473 required that the prospective purchaser certify that all of his or her answers on Form 4473 were true and correct.

5. FFL holders were 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.

6. 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.”

7. From on or about August 4, 2004 to on or about April 18, 2007, defendant COLOSIMO’S, INC. made false entries in, and failed to properly maintain, records in ATF Forms 4473 or its A&D Ledger, by listing and identifying three transferees (that is, the purported purchasers of 10 firearms) as the actual firearms purchasers, when defendant knew or had reason to believe that each person was not the actual buyer, but was a straw purchaser. The 10 firearms straw purchased during this period from defendant COLOSIMO’S, INC. were:

| Date of Purchase | Make, Model and Serial Number (SN) of Firearm |
|------------------|---|
| 8/4/04 | 1. a Rossi, Model 88, .38 special caliber revolver, SN W-324515. 2. a Rossi, Model 88, .38 special caliber revolver, SN W-323852. 3. a Charter 2000, Model Undercover 73820, .38 special caliber revolver, SN 32823. 4. a Ruger, Model P-95, 9mm pistol, SN 315-56942. |
| 12/8/05 | 5. a Ruger, Model P-345, .45 caliber pistol, SN 664-27967. |
| 12/20/05 | 6. a Ruger, Model P-345, .45 caliber pistol, SN 664-34844. |
| 1/6/06 | 7. a Ruger, Model P-95, 9mm pistol, SN316-11156. 8. a Ruger, Model P-95, 9mm pistol, SN 316-12382. |
| 1/25/06 | 9. a Ruger, Model P-345, .45 caliber pistol, SN 664-36081. |
| 4/18/07 | 10. a Taurus, Model PT-111, 9mm caliber pistol, SN TZK45158. |

8. From on or about August 4, 2004 through on or about April 18, 2007, in Philadelphia, in the Eastern District of Pennsylvania, defendant

COLOSIMO'S, INC.,

being a licensed firearms dealer, as defined in Title 18, United States Code, Section 921(a)(11)(A) and (B), that is, a Federal Firearms Licensee, knowingly made false entries in, failed to make appropriate entry in, and failed to properly maintain records, which defendant COLOSIMO'S, INC. was required to keep under Title 18, United States Code, Section 923, and regulations promulgated pursuant to that section.

In violation of Title 18, United States Code, Sections 922(m) and 924(a)(3).



MICHAEL L. LEVY
 United States Attorney