

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

UNITED STATES OF AMERICA : **CRIMINAL NO.** _____
v. : **DATE FILED:** May 18, 2010
JAY ALLEN FISHER : **VIOLATIONS:**
: **18 U.S.C. 922(g)(3)(possession of firearms**
: **and ammunition by an unlawful user of**
: **controlled substances - 2 counts)**
: **Notice of forfeiture**

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

1. Gallery Distributing Incorporated, doing business as the Gun Gallery (Gun Gallery), was a Federal Firearms Licensee (“FFL”), located at 2807 Perkiomen Avenue in Reading, Pennsylvania, and was authorized to deal in firearms under federal law.
2. Defendant JAY ALLEN FISHER was the president of, and operated the Gun Gallery, along with his wife, Person #1, known to the grand jury (Person #1). Defendant FISHER directed the operations of Gun Gallery either in person or by telephone; purchased guns, gun parts, and ammunition on behalf of the Gun Gallery from distributors in Pennsylvania and elsewhere; and also determined the prices to be charged for firearms at the Gun Gallery, and the prices to be paid by the Gun Gallery when purchasing firearms from individuals and distributors. Defendant FISHER had complete and unfettered possession and control over all firearms and ammunition in the Gun Gallery.

3. Defendant JAY ALLEN FISHER also possessed additional firearms inside

his home at 2200 Highland Avenue in Reading, Pennsylvania. Some of these firearms were registered pursuant to Title 26, United State Code, Chapter 53, to: (a) defendant FISHER; and (b) Person #1. Other firearms were transported by or at the direction of defendant FISHER and Person #1 from the store to defendant FISHER's home. Defendant FISHER had complete and unfettered possession and control over all firearms kept at his home.

4. Defendant JAY ALLEN FISHER was a regular, unlawful user of marijuana, a Schedule I controlled substance.

5. On or about January 8, 2010, inside defendant JAY ALLEN FISHER's residence, defendant FISHER possessed 168 firearms, and approximately 43,564 rounds of ammunition.

6. From in or about December 2009, through in or about January 2010, inside

defendant FISHER's residence, located at 2200 Highland Avenue in Reading, Pennsylvania, in the Eastern District of Pennsylvania, defendant

JAY ALLEN FISHER,

then being an unlawful user of a controlled substance as defined in Title 21, United States Code, Section 802(6), knowingly possessed in and affecting interstate and foreign commerce a firearm and ammunition, that is, 168 firearms, and approximately 43,564 rounds of ammunition.

In violation of Title 18, United States Code, Section 922(g)(3).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT

1. Paragraphs One through Five of Count One of this indictment are incorporated here.

2. From in or about December 2009, through in or about January 2010, inside the Gun Gallery, located at 2807 Perkiomen Avenue in Reading, Pennsylvania, defendant JAY ALLEN FISHER possessed approximately 2,900 firearms and approximately 600,000 rounds of ammunition.

3. From in or about December 2009, through in or about January 2010, inside the Gun Gallery, located at 2807 Perkiomen Avenue in Reading, Pennsylvania, in Reading, in the Eastern District of Pennsylvania, defendant

JAY ALLEN FISHER,

then being an unlawful user of a controlled substance as defined in Title 21, United States Code, Section 802, knowingly possessed in and affecting interstate and foreign commerce firearms and ammunition, that is, at least 2,900 firearms and 600,000 rounds of ammunition.

In violation of Title 18, United States Code, Section 922(g)(3).

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

As a result of the violations of Title 18, United States Code, Section 922(g)(3), as set forth in this indictment, defendant

JAY ALLEN FISHER

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) 168 firearms, and approximately 43,564 rounds of ammunition seized from defendant JAY ALLEN FISHER's residence, located at 2200 Highland Avenue in Reading, Pennsylvania, on or about January 9, 2010; and
- (2) at least 2,900 firearms and over 600,000 rounds of ammunition seized from the Gun Gallery, located at 2807 Perkiomen Avenue in Reading, Pennsylvania, on or about January 20, 2010.

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

A TRUE BILL:

FOREPERSON

ZANE DAVID MEMEGER

United States Attorney