

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

UNITED STATES OF AMERICA	:	CRIMINAL NO. <u>10-296</u>
v.	:	DATE FILED <u>5/4/10</u>
AXEL GONZALEZ, a/k/a “Baya,”	:	VIOLATIONS:
ALBERTO GONZALEZ, a/k/a “Tito,”	:	18 U.S.C. § 371 (conspiracy - 1 count)
a/k/a “Jose Ramos”	:	18 U.S.C. § 922(g)(1) (convicted felon in possession of a firearm - 1 count)
	:	26 U.S.C. § 5861(d) (possession of an unregistered firearm - 1 count)
	:	18 U.S.C. § 2 (aiding and abetting)
		Notice of forfeiture

INDICTMENT

THE GRAND JURY CHARGES THAT:

Introduction

1. The term “firearm” means, among other things, “any destructive device,” as defined in Title 18, United States Code, Section 921(a)(3), and Title 26, United States Code, Section 5845(a)(8).
2. A “destructive device” means, among other things:
 - (a) any explosive or incendiary device, including but not limited to:
 - (i) a bomb; (ii) grenade; and (iii) a device similar to these devices; and
 - (b) any combination of parts designed or intended for use in converting any device into any destructive device as described in subparagraph (a), as defined in Title 18, United States Code, Section 921(a)(4), and Title 26, United States Code, Section 5845(f).

The Conspiracy

3. From on or about March 26, 2010 through on or about March 28, 2010, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**AXEL GONZALEZ,
a/k/a “Baya,” and
ALBERTO GONZALEZ,
a/k/a “Tito,”
a/k/a “Jose Ramos,”**

conspired and agreed, together and with others known and unknown to the grand jury, to knowingly possess a firearm, that is, a destructive device (an improvised incendiary device), in violation of Title 18, United States Code, Section 922(g)(1) and Title 26, United States Code, Section 5861(d).

MANNER AND MEANS

It was part of the conspiracy that:

4. Defendants AXEL GONZALEZ and ALBERTO GONZALEZ agreed to purchase parts to manufacture improvised incendiary devices.

5. Defendant ALBERTO GONZALEZ stole certain items to be used in the manufacture of improvised incendiary devices.

6. Defendant AXEL GONZALEZ manufactured an improvised incendiary device and sold an improvised incendiary device to Person # 1 known to the grand jury (Person # 1) for cash.

7. Defendant ALBERTO GONZALEZ intended to receive a portion of the payment given to defendant AXEL GONZALEZ for the device.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its object, defendants AXEL GONZALEZ and ALBERTO GONZALEZ committed the following overt acts, among others, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere:

On or about March 27, 2010:

1. Defendants AXEL GONZALEZ and ALBERTO GONZALEZ, together and with others known and unknown to the grand jury, drove to the Toys R Us, located at 3401 Aramingo Avenue in Philadelphia, to purchase parts to manufacture an improvised incendiary device.
2. Inside the Toys R Us:
 - a. Defendant AXEL GONZALEZ selected a package of three “Estes” brand rocket motors and collected money from defendant ALBERTO GONZALEZ and others known and unknown to the grand jury, to pay for the rocket motors and gave the money to defendant ALBERTO GONZALEZ, who paid for the rocket motors.
 - b. Defendant ALBERTO GONZALEZ also stole another package of “Estes” brand rocket motors from the Toys R Us, and gave the stolen rocket motors to defendant AXEL GONZALEZ.
3. Defendants AXEL GONZALEZ and ALBERTO GONZALEZ returned to defendant AXEL GONZALEZ’s residence, located at 3415 N. Marshall Street in Philadelphia, to manufacture improvised destructive devices. Defendant AXEL GONZALEZ broke open the rocket motors to obtain the black powder inside the motors, which he then placed inside an empty grenade. He subsequently obtained an M80 (firecracker) and removed the fuse.

4. Defendant AXEL GONZALEZ sold two improvised incendiary devices to Person # 1 for \$1,000 in cash. Defendant ALBERTO GONZALEZ expected to receive a portion of those proceeds because he had stolen some of the rocket motors.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1, 2, and 4 through 7, and Overt Acts 1 through 4, of Count One of this indictment are incorporated here.

2. On or about March 28, 2010, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**AXEL GONZALEZ,
a/k/a "Baya," and
ALBERTO GONZALEZ,
a/k/a "Tito,"
a/k/a "Jose Ramos,"**

having been convicted in a court of the United States of America or the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate commerce, and aided and abetted the possession of, a firearm, that is, a destructive device (an improvised incendiary device) as defined in Title 18, United States Code, Section 921(a)(4)(A) and (C).

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

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1, 2, and 4 through 7, and Overt Acts 1 through 4, of Count One of this indictment are incorporated here.

2. On or about March 28, 2010, in the Eastern District of Pennsylvania, defendants

**AXEL GONZALEZ,
a/k/a "Baya," and
ALBERTO GONZALEZ,
a/k/a "Tito,"
a/k/a "Jose Ramos,"**

knowingly received and possessed, and aided and abetted the possession of, a firearm, that is, a destructive device (an improvised incendiary device), not registered to him in the National Firearms Registration and Transfer Record.

In violation of Title 26, United States Code, Section 5861(d), and Title 18 United States Code, Section 2.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

As a result of the violations of Title 18, United States Code, Sections 371, and 922(g)(1), and Title 26, United States Code, Section 5861(d), as set forth in this indictment, defendants

**AXEL GONZALEZ,
a/k/a “Baya,” and
ALBERTO GONZALEZ,
a/k/a “Tito,”
a/k/a “Jose Ramos,”**

shall forfeit to the United States of America the firearm, that is, an improvised incendiary device, involved in the commission of these offenses.

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