

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

UNITED STATES OF AMERICA : **CRIMINAL NO. 12-052**

v. : **DATE FILED: 2/7/12**

BRIAN ALFRED WHITE : **VIOLATIONS:**
: **18 U.S.C. § 924(a)(1)(A) (making false**
: **statements to a federal firearms licensee -**
: **5 counts)**
: **18 U.S.C. § 922(g)(3)**
: **(addict in possession of a firearm - 5 counts)**
: **Notice of forfeiture**

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

1. Backwoods Outfitters, 2421 Ironville Pike, Columbia, Pennsylvania, possessed a federal firearms license (“FFL”) and was authorized to deal in firearms under federal law.

2. FFL holders are licensed, among other things, to sell firearms and ammunition. 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 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 11.e., “Are you an unlawful user of, or addicted to, marijuana, or any depressant, stimulant, or narcotic drug, or another controlled substance?” The Form 4473 also contains the warning, **“I understand that a person who answers “yes” to any of the questions 11.b. through 11.k. is prohibited from purchasing or receiving a firearm . . . I also understand that making any false oral or written statement . . . is a crime punishable as a felony.”**

4. 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 is not prohibited from purchasing a firearm.

5. Individuals addicted to a narcotic drug or any other controlled substances are persons prohibited by law from buying firearms.

6. Defendant BRIAN ALFRED WHITE was addicted to Oxycodone (Percocet), a Schedule II controlled substance and narcotic drug, and was prohibited by law from buying firearms.

7. On or about September 20, 2008, in Valley Forge, in the Eastern District of Pennsylvania, defendant

BRIAN ALFRED WHITE,

in connection with the acquisition of a firearm, that is, a Kel-Tec, Model P-380, .380 caliber semi-automatic pistol, serial number JWN20, 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 records of Backwoods Outfitters, a federally licensed firearms dealer, in that, defendant WHITE falsely certified on Department of Justice Form 4473,

Firearms Transaction Record, that he was not addicted to a narcotic drug or any other controlled substance, when, in fact, defendant WHITE knew this statement was false and fictitious, and that he was then addicted to Oxycodone (Percocet), a Schedule II controlled substance.

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

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about September 20, 2008, in Valley Forge, in the Eastern District of Pennsylvania, defendant

BRIAN ALFRED WHITE,

then being addicted to Oxycodone (Percocet), a Schedule II controlled substance, as defined in Title 21, United States Code, Section 802, knowingly possessed in and affecting interstate commerce a firearm, that is, Kel-Tec, Model P-380, .380 caliber semi-automatic pistol, serial number JWN20.

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

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

1. Southeast Archery and Sports, 1852 Delmar Drive, Folcroft, Pennsylvania, possessed a federal firearms license (“FFL”) and was authorized to deal in firearms under federal law.

2. Paragraphs 2 through 6 of Count One of this indictment are incorporated here.

3. On or about March 16, 2009, in Folcroft, in the Eastern District of Pennsylvania, defendant

BRIAN ALFRED WHITE,

in connection with the acquisition of a firearm, that is, a Glock, Model 22, .40 caliber semi-automatic pistol, serial number MMD228, 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 records of Southeast Archery and Sports, a federally licensed firearms dealer, in that, defendant WHITE falsely certified on Department of Justice Form 4473, Firearms Transaction Record, that he was not addicted to a narcotic drug or any other controlled substance, when, in fact, defendant WHITE knew this statement was false and fictitious, and that he was then addicted to Oxycodone (Percocet), a Schedule II controlled substance.

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

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 16, 2009, in Folcroft, in the Eastern District of Pennsylvania,
defendant

BRIAN ALFRED WHITE,

then being addicted to Oxycodone (Percocet), a Schedule II controlled substance, as defined in Title 21, United States Code, Section 802, knowingly possessed in and affecting interstate commerce a firearm, that is, a Glock, Model 22, .40 caliber semi-automatic pistol, serial number MMD228.

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

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 2 through 6 of Count One and paragraph 1 of Count Three of this indictment are incorporated here.

2. On or about March 16, 2009, in Folcroft, in the Eastern District of Pennsylvania, defendant

BRIAN ALFRED WHITE,

in connection with the acquisition of a firearm, that is, a Cobra Firearms, Model CA32, .32 caliber semi-automatic pistol, serial number CP045083, 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 records of Southeast Archery and Sports, a federally licensed firearms dealer, in that, defendant WHITE falsely certified on Department of Justice Form 4473, Firearms Transaction Record, that he was not addicted to a narcotic drug or any other controlled substance, when, in fact, defendant WHITE knew this statement was false and fictitious, and that he was then addicted to Oxycodone (Percocet), a Schedule II controlled substance.

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

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 16, 2009, in Folcroft, in the Eastern District of Pennsylvania,
defendant

BRIAN ALFRED WHITE,

then being addicted to Oxycodone (Percocet), a Schedule II controlled substance, as defined in Title 21, United States Code, Section 802, knowingly possessed in and affecting interstate commerce a firearm, that is, a Cobra Firearms, Model CA32, .32 caliber semi-automatic pistol, serial number CP045083.

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

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

1. Suburban Armory, 1008 MacDade Boulevard, Collingdale, Pennsylvania, possessed a federal firearms license (“FFL”) and was authorized to deal in firearms under federal law.

2. Paragraphs 2 through 6 of Count One of this indictment are incorporated here.

3. On or about March 20, 2009, in Collingdale, in the Eastern District of Pennsylvania, defendant

BRIAN ALFRED WHITE,

in connection with the acquisition of a firearm, that is, a Springfield Armory, Model XD, .45 caliber semi-automatic pistol, serial number US587240, 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 records of Suburban Armory, a federally licensed firearms dealer, in that, defendant WHITE falsely certified on Department of Justice Form 4473, Firearms Transaction Record, that he was not addicted to a narcotic drug or any other controlled substance, when, in fact, defendant WHITE knew this statement was false and fictitious, and that he was then addicted to Oxycodone (Percocet), a Schedule II controlled substance.

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

COUNT EIGHT

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 20, 2009, in Collingdale, in the Eastern District of Pennsylvania, defendant

BRIAN ALFRED WHITE,

then being addicted to Oxycodone (Percocet), a Schedule II controlled substance, as defined in Title 21, United States Code, Section 802, knowingly possessed in and affecting interstate commerce a firearm, that is, a Springfield Armory, Model XD, .45 caliber semi-automatic pistol, serial number US587240.

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

COUNT NINE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 2 through 6 of Count One and paragraph 1 of Count Seven of this indictment are incorporated here.

2. On or about March 31, 2009, in Collingdale, in the Eastern District of Pennsylvania, defendant

BRIAN ALFRED WHITE,

in connection with the acquisition of a firearm, that is, a Smith & Wesson, Model SW40VE, .40 caliber semi-automatic pistol, serial number DSL4618 (obliterated when recovered), 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 records of Suburban Armory, a federally licensed firearms dealer, in that, defendant WHITE falsely certified on Department of Justice Form 4473, Firearms Transaction Record, that he was not addicted to a narcotic drug or any other controlled substance, when, in fact, defendant WHITE knew this statement was false and fictitious, and that he was then addicted to Oxycodone (Percocet), a Schedule II controlled substance.

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

COUNT TEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 31, 2009, in Collingdale, in the Eastern District of Pennsylvania, defendant

BRIAN ALFRED WHITE,

then being addicted to Oxycodone (Percocet), a Schedule II controlled substance, as defined in Title 21 United States Code, Section 802, knowingly possessed in and affecting interstate commerce a firearm, that is, a Smith & Wesson, Model SW40VE, .40 caliber semi-automatic pistol, serial number DSL4618 (obliterated when recovered).

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, Sections 924(a)(1)(A) and 922(g)(3), set forth in this indictment, defendant

BRIAN ALFRED WHITE

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

- a) a Kel-Tec, Model P-380, .380 caliber semi-automatic pistol, serial number JWN20;
- b) a Glock, Model 22, .40 caliber semi-automatic pistol, serial number MMD228;
- c) a Cobra Firearms, Model CA32, .32 caliber semi-automatic pistol, serial number CP045083;
- d) a Springfield Armory, Model XD, .45 caliber semi-automatic pistol, serial number US587240, and,
- e) a Smith & Wesson, Model SW40VE, .40 caliber semi-automatic pistol, serial number DSL4618 (obliterated when recovered).

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