

FILED

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

2019 NOV 13 PM 2:48

CLERK US DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA FLORIDA

UNITED STATES OF AMERICA

v.

CASE NO. 8:19-cr-478-T-02AEP

ROMEN RAFAEL PEREZ,
PEDRO PEREZ-GARCIA, and
JUAN MIGUEL MARTINEZ-GARCIA

18 U.S.C. § 371
18 U.S.C. § 554(a)
18 U.S.C. § 922(a)(6)
18 U.S.C. § 922(e)

SUPERSEDING INDICTMENT

The Grand Jury charges:

COUNT ONE
(Conspiracy)

A. Introduction

At all times material to this Superseding Indictment:

1. ROMEN RAFAEL PEREZ, PEDRO PEREZ-GARCIA, and
JUAN MIGUEL MARTINEZ-GARCIA all resided within the Middle
District of Florida.

2. The Bureau of Alcohol, Tobacco, Firearms and Explosives
("ATF") was a federal law enforcement organization within the United States
Department of Justice. Among other responsibilities, ATF investigated
offenses involving the unlawful use, manufacture, and possession of firearms

and explosives, acts of arson and bombings, and illegal trafficking and tax evasion of alcohol and tobacco products. ATF also regulated, via licensing, the sale, possession, and transportation of firearms, ammunition, and explosives in interstate commerce.

3. A Federal Firearms License was a license that enabled an individual or company to engage in a business pertaining to the manufacture or importation of firearms and ammunition, or the interstate and intrastate sale of firearms. ATF issues Federal Firearms Licenses. An individual or company holding a Federal Firearm License was known as a Federal Firearm Licensee (“FFL”).

4. An ATF Form 4473 Firearm Transaction Record is a form that must be completed at an FFL’s business premises at the time of a firearm transfer. The purpose of the form is to determine whether an FFL can lawfully sell or deliver a firearm to a transferee.

5. ROMEN RAFAEL PEREZ, PEDRO PEREZ-GARCIA, and JUAN MIGUEL MARTINEZ-GARCIA have never received a Federal Firearms License from ATF.

B. The Conspiracy

6. Beginning on an unknown date, but at least on or about December 11, 2011, and continuing through and including the date of this

Superseding Indictment, in the Middle District of Florida and elsewhere, the defendants,

ROMEN RAFAEL PEREZ,
PEDRO PEREZ-GARCIA, and
JUAN MIGUEL MARTINEZ-GARCIA,

did knowingly and willfully combine, conspire, confederate, and agree with others known and unknown to the grand jury to commit certain offenses against the United States, namely:

- a. false statement to a firearms dealer, in violation of 18 U.S.C. § 922(a)(6);
- b. delivery of firearms to common carrier for shipment in foreign commerce without written notice, in violation of 18 U.S.C. § 922(e);
and
- c. attempted smuggling of goods from the United States, in violation of 18 U.S.C. § 554(a).

C. Manner and Means

7. The manner and means by which the defendants and others sought to accomplish the conspiracy included, among other things, the following:

a. It was a part of the conspiracy that the defendants would and did purchase at least 86 firearms from federally licensed firearms dealers located in the Middle District of Florida.

b. It was further a part of the conspiracy that the defendants would and did represent themselves to the firearms dealers to be the actual buyer of each firearm at the time of the purchase.

c. It was further a part of the conspiracy that the defendants would and did plan and arrange for a common carrier to ship the firearms from the Middle District of Florida to the Dominican Republic.

d. It was further a part of the conspiracy that the defendants would and did fail to inform the common carrier that such shipments contained firearms.

e. It was further part of the conspiracy that the defendants would and did conceal the firearms among innocuous items during shipment, such as clothing and food, in an attempt to hide the true nature of the shipment.

f. It was further part of the conspiracy that conspirators located in the Dominican Republic would and did receive the firearms shipped from the Middle District of Florida by the defendants.

g. It was further part of the conspiracy that conspirators located in the Dominican Republic would and did pay the defendants in exchange for acquiring and shipping the firearms.

h. It was further a part of the conspiracy that the defendants would and did share in the proceeds derived from the conspiracy.

i. It was further part of the conspiracy that the defendants would and did perform acts and make statements to misrepresent, hide, and conceal, and cause to be misrepresented, hidden, and concealed, the purpose of the conspiracy and the acts committed in furtherance thereof.

D. Overt Acts

8. In furtherance of the conspiracy and to effect its objects, the defendants or their conspirators committed the following overt acts, among others, in the Middle District of Florida and elsewhere:

a. On or about August 7, 2019, ROMEN RAFAEL PEREZ made a false statement to a firearms dealer in connection with the acquisition of four firearms.

b. On or about August 17, 2019, JUAN MIGUEL MARTINEZ-GARCIA made a false statement to a firearms dealer in connection with the acquisition of two firearms.

c. On or about August 28, 2019, ROMEN RAFAEL PEREZ made a false statement to a firearms dealer in connection with the acquisition of a firearm.

d. On or about August 30, 2019, ROMEN RAFAEL PEREZ made a false statement to a firearms dealer in connection with the acquisition of two firearms.

e. On or about September 5, 2019, PEDRO PEREZ-GARCIA made a false statement to a firearms dealer in connection with the acquisition of two firearms.

f. On or about September 11, 2019, ROMEN RAFAEL PEREZ delivered twelve firearms to a common carrier for shipment in foreign commerce without written notice.

g. On or about September 11, 2019, ROMEN RAFAEL PEREZ attempted to smuggle goods from the United States.

All in violation of 18 U.S.C. § 371.

COUNT TWO
(False Statement to a Firearms Dealer)

9. On or about August 7, 2019, in the Middle District of Florida and elsewhere, the defendant,

ROMEN RAFAEL PEREZ,

in connection with the acquisition of four firearms, namely, (1) a Glock, Model 26, 9mm pistol (serial number BKWV685); (2) a Glock, Model 19, 9mm pistol (serial number BKVA568); (3) a Glock, Model 19, 9mm pistol (serial number BKVA567); and (4) a Smith & Wesson, Model M&P, .40-caliber pistol (serial number HZU5133) from Buccaneer Pawn, a federally licensed firearms dealer, knowingly made a false and fictitious written statement to Buccaneer Pawn, which statement was intended and likely to deceive Buccaneer Pawn as to a fact material to the lawfulness of the sale of the firearm to the defendant, in that the defendant executed a U.S. Department of Justice, ATF Form 4473 Firearms Transaction Record, and represented himself as the actual buyer of the firearms, whereas in truth and in fact, he well knew that he was buying said firearms for another person.

In violation of 18 U.S.C. §§ 922(a)(6) and 924(a)(2).

COUNT THREE
(False Statement to a Firearms Dealer)

10. On or about August 17, 2019, in the Middle District of Florida and elsewhere, the defendant,

JUAN MIGUEL MARTINEZ-GARCIA,

in connection with the acquisition of two firearms, namely, (1) a Glock, Model 26, 9mm pistol (serial number BDNX247); and (2) a Glock, Model 19,

9mm pistol (serial number BKVA133) from Buccaneer Pawn, a federally licensed firearms dealer, knowingly made a false and fictitious written statement to Buccaneer Pawn, which statement was intended and likely to deceive Buccaneer Pawn as to a fact material to the lawfulness of the sale of the firearm to the defendant, in that the defendant executed a U.S. Department of Justice, ATF Form 4473 Firearms Transaction Record, and represented himself as the actual buyer of the firearms, whereas in truth and in fact, he well knew that he was buying said firearms for another person.

In violation of 18 U.S.C. §§ 922(a)(6) and 924(a)(2).

COUNT FOUR
(False Statement to a Firearms Dealer)

11. On or about August 28, 2019, in the Middle District of Florida and elsewhere, the defendant,

ROMEN RAFAEL PEREZ,

in connection with the acquisition of a firearm, namely, a Glock, Model 45, 9mm pistol (serial number BKDY781), from Take Aim Gun Range, a federally licensed firearms dealer, knowingly made a false and fictitious written statement to Take Aim Gun Range, which statement was intended and likely to deceive Take Aim Gun Range as to a fact material to the lawfulness of the sale of the firearm to the defendant, in that the defendant

executed a U.S. Department of Justice, ATF Form 4473 Firearms Transaction Record, and represented himself as the actual buyer of the firearm, whereas in truth and in fact, he well knew that he was buying said firearm for another person.

In violation of 18 U.S.C. §§ 922(a)(6) and 924(a)(2).

COUNT FIVE
(False Statement to a Firearms Dealer)

12. On or about August 30, 2019, in the Middle District of Florida and elsewhere, the defendant,

ROMEN RAFAEL PEREZ,

in connection with the acquisition of three firearms, namely, (1) a Glock, Model 26, 9mm pistol (serial number ADMZ017); (2) a Glock, Model 19, 9mm pistol (serial number BKRC761); and (3) a Glock, Model 19, 9mm pistol (serial number ADBA933) from High Noon Guns, a federally licensed firearms dealer, knowingly made a false and fictitious written statement to High Noon Guns, which statement was intended and likely to deceive High Noon Guns as to a fact material to the lawfulness of the sale of the firearm to the defendant, in that the defendant executed a U.S. Department of Justice, ATF Form 4473 Firearms Transaction Record, and represented himself as the

actual buyer of the firearms, whereas in truth and in fact, he well knew that he was buying said firearms for another person.

In violation of 18 U.S.C. §§ 922(a)(6) and 924(a)(2).

COUNT SIX
(False Statement to a Firearms Dealer)

13. On or about September 5, 2019, in the Middle District of Florida and elsewhere, the defendant,

PEDRO PEREZ-GARCIA,

in connection with the acquisition of two firearms, namely, (1) a Glock, Model 26, 9mm pistol (serial number BKWV680); and (2) a Glock, Model 19, 9mm pistol (serial number BKVA566) from Buccaneer Pawn, a federally licensed firearms dealer, knowingly made a false and fictitious written statement to Buccaneer Pawn, which statement was intended and likely to deceive Buccaneer Pawn as to a fact material to the lawfulness of the sale of the firearm to the defendant, in that the defendant executed a U.S. Department of Justice, ATF Form 4473 Firearms Transaction Record, and represented himself as the actual buyer of the firearms, whereas in truth and in fact, he well knew that he was buying said firearms for another person.

In violation of 18 U.S.C. §§ 922(a)(6) and 924(a)(2).

COUNT SEVEN
**(Delivery of Firearms to Common Carrier for Shipment in Foreign
Commerce without Written Notice)**

14. The allegations contained in Count One of this Superseding Indictment are incorporated by reference as if fully set forth herein.

15. On or about September 11, 2019, in the Middle District of Florida and elsewhere, the defendant,

ROMEN RAFAEL PEREZ,

did knowingly and willfully deliver and cause to be delivered to a common and contract carrier for transportation and shipment in foreign commerce, to a person other than a licensed importer, manufacturer, dealer, or collector, a package and container in which there were firearms, namely a Glock, Model 26, 9mm pistol (serial number BKWV680); a Glock, Model 19, 9mm pistol (serial number BKVA566); a Glock, Model 26, 9mm pistol (serial number ADMZ017); a Glock, Model 19, 9mm pistol (serial number BKRC761); a Glock, Model 19, 9mm pistol (serial number ADBA933); a Glock, Model 45, 9mm pistol (serial number BKDY781); a Glock, Model 26, 9mm pistol (serial number BDNX247); a Glock, Model 19, 9mm pistol (serial number BKVA133); a Glock, Model 26, 9mm pistol (serial number BKWV685); a Glock, Model 19, 9mm pistol (serial number BKVA568); a Glock, Model 19, 9mm pistol (serial number BKVA567); and a Smith & Wesson, Model M&P,

.40-caliber pistol (serial number HZU5133); all without written notice to the carrier that such firearms were being transported and shipped.

In violation of 18 U.S.C. §§ 922(e) and 924(a)(1)(d).

COUNT EIGHT
(Attempted Smuggling of Goods from the United States)

16. The allegations contained in Count One of this Superseding Indictment are incorporated by reference as if fully set forth herein.

17. On or about September 11, 2019, in the Middle District of Florida and elsewhere, the defendant,

ROMEN RAFAEL PEREZ,

did fraudulently and knowingly export and send, and cause to be exported and sent, from the United States, and attempt to export and send from the United States, any merchandise, articles, and objects, namely a Glock, Model 26, 9mm pistol (serial number BKWV680); a Glock, Model 19, 9mm pistol (serial number BKVA566); a Glock, Model 26, 9mm pistol (serial number ADMZ017); a Glock, Model 19, 9mm pistol (serial number BKRC761); a Glock, Model 19, 9mm pistol (serial number ADBA933); a Glock, Model 45, 9mm pistol (serial number BKDY781); a Glock, Model 26, 9mm pistol (serial number BDNX247); a Glock, Model 19, 9mm pistol (serial number BKVA133); a Glock, Model 26, 9mm pistol (serial number BKWV685); a

Glock, Model 19, 9mm pistol (serial number BKVA568); a Glock, Model 19, 9mm pistol (serial number BKVA567); and a Smith & Wesson, Model M&P, .40-caliber pistol (serial number HZU5133), contrary to the laws of the United States, namely 18 U.S.C. § 922(e).

In violation of 18 U.S.C. §§ 554(a) and 2.

FORFEITURE

1. The allegations contained in Counts One through Eight of this Superseding Indictment are incorporated by reference as if fully set forth herein for the purpose of alleging forfeitures pursuant to 18 U.S.C. § 924(d)(1), 22 U.S.C. § 401, and 28 U.S.C. § 2461(c).

2. Upon conviction of a violation of 18 U.S.C. §§ 554(a), 922(a)(6), and/ or 922(e), or a conspiracy to violate those statutes (18 U.S.C. § 371), the defendants,

ROMEN RAFAEL PEREZ,
PEDRO PEREZ-GARCIA and
JUAN MIGUEL MARTINEZ-GARCIA,

shall forfeit to the United States, pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c), all firearms and ammunition involved in or used in the violation.

3. The property to be forfeited includes, \$997 in U.S. currency, a Glock, Model 26, 9mm pistol (serial number BKWV680); a Glock, Model 19,

9mm pistol (serial number BKVA566); a Glock, Model 26, 9mm pistol (serial number ADMZ017); a Glock, Model 19, 9mm pistol (serial number BKRC761); a Glock, Model 19, 9mm pistol (serial number ADBA933); a Glock, Model 45, 9mm pistol (serial number BKDY781); a Glock, Model 26, 9mm pistol (serial number BDNX247); a Glock, Model 19, 9mm pistol (serial number BKVA133); a Glock, Model 26, 9mm pistol (serial number BKWV685); a Glock, Model 19, 9mm pistol (serial number BKVA568); a Glock, Model 19, 9mm pistol (serial number BKVA567); and a Smith & Wesson, Model M&P, .40-caliber pistol (serial number HZU5133).

4. If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,


the United States of America shall be entitled to forfeiture of substitute property under the provisions of 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c).

A TRUE BILL,

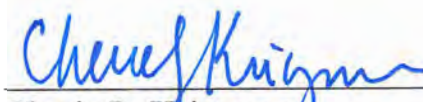


Foreperson

MARIA CHAPA LOPEZ
United States Attorney

By: 

Carlton C. Gammons
Assistant United States Attorney

By: 

Cherie L. Kringsman
Assistant United States Attorney
Chief, National Security and Cybercrime Section

UNITED STATES DISTRICT COURT
Middle District of Florida
Tampa Division

THE UNITED STATES OF AMERICA

vs.

ROMEN RAFAEL PEREZ,
PEDRO PEREZ-GARCIA, and
JUAN MIGUEL MARTINEZ-GARCIA

SUPERSEDING INDICTMENT

Violations: 18 U.S.C. §§ 371, 922(a)(6), 922(e), and 554(a)

A true bill,



Foreperson

Filed in open court this 13th day

of November, 2019.

Clerk

Bail \$ _____
