

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

**UNITED STATES OF AMERICA** : **CRIMINAL NO.** \_\_\_\_\_  
**v.** : **DATE FILED:** \_\_\_\_\_  
**TRACY MARTIN** : **VIOLATIONS:**  
**MARIE HINDS** : **18 U.S.C. § 924(a)(1)(A) (false statements**  
: **to a federal firearms dealer - 2 counts)**  
: **18 U.S.C. § 1001 (false statements within**  
: **federal jurisdiction - 1 count)**  
: **18 U.S.C. § 2 (aiding and abetting)**  
: **Notice of forfeiture**

**INDICTMENT**

**COUNTS ONE AND TWO**

**THE GRAND JURY CHARGES THAT:**

At all times material to this indictment:

1. Kayton, Inc, D.B.A. Army Navy Store, 1045 Grape Street Whitehall, Pennsylvania, 18052, possessed a federal firearms license ("FFL") and was authorized to deal in firearms under federal laws.

2. FFL holders are licensed, among other things, to sell firearms and ammunition. Various 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 firearm fill out a Firearm 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. Question 11(a) of ATF Form 4473 requires that the prospective purchaser certify truthfully, subject to penalties of perjury, that he or she is the actual buyer of the firearm. The ATF Form 4473 contains language warning that “You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual buyer, the dealer cannot transfer the firearm(s) to you.” The Form 4473 also includes a certification by the buyer of the firearm(s) that “I understand that answering ‘yes’ to question 11(a) if I am not the actual buyer of the firearm 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, including the buyer’s home address and date of birth.

5. Defendant MARIE HINDS, at the urging and direction of defendant TRACY MARTIN, purchased firearms from an FFL holder on defendant MARTIN’s behalf and falsely certified that she was the actual buyer of those firearms. Defendant MARTIN aided and abetted defendant HINDS in making those false statements by accompanying her to the gun shop, selecting the guns to be purchased, paying for the guns, and taking the guns as his own.

6. On or about the dates listed below, in Whitehall, in the Eastern District of Pennsylvania, defendants

**TRACY MARTIN and  
MARIE HINDS**

in connection with the acquisition of each of the firearms listed below from Army Navy Store, 1045 Grape Street, Whitehall, Pennsylvania, 18052, knowingly made, and aided, abetted, and wilfully caused 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 FFL holders' records, in that defendant HINDS certified on the Form 4473 that she was the actual buyer of the firearms transaction, when in fact, as the defendants knew, this statement was false and fictitious (each constituting a separate count).

<b>Count</b>	<b>Date</b>	<b>Firearm</b>	<b>Serial Number</b>
1	January 15, 2011	Kel-Tec, Model P-32, .32 caliber pistol	CWF81
2	January 18, 2011	Taurus, Model PF709, 9mm pistol	TCY04764.

All in violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.

**COUNT THREE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about November 22, 2011, in Allentown, in the Eastern District of Pennsylvania, defendant

**TRACY MARTIN,**

in a matter within the jurisdiction of the Bureau of Alcohol, Tobacco, Firearms, and Explosives, an agency of the executive branch of the United States, knowingly and willfully made materially false, fictitious, and fraudulent statements and representations in that defendant MARTIN told an ATF Special Agent who was investigating the illegal transfer of defendant MARTIN's firearms that the guns were still secured in a safe in defendant MARTIN's home when, as the defendant knew, the firearms were gone.

In violation of Title 18, United States Code, Section 1001.

**NOTICE OF FORFEITURE**

**THE GRAND JURY FURTHER CHARGES THAT:**

As a result of the violation of Title 18, United States Code, Section 924(a)(1)(A), set forth in this indictment, defendants

**TRACY MARTIN and  
MARIE HINDS**

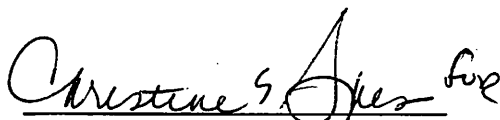
shall forfeit to the United States of America the firearms involved in the commission of such offense, including, but not limited to:

- (1) a Taurus, 9mm pistol, serial number TCY04764, and
- (2) a Kel-Tec .32 caliber pistol, serial number CWF81.

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**