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6 Attorneys for Plaintiff
United States of America
7

8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,
11
12 Plaintiff,

13 v.

14 JOSEPH LATU,
ALGERNON TAMASOA,
15 JOHN ORTIZ,
KEITH WHITE,
CHARLES TUCKER,
16 IONEL PASCAN,
DAVID BENNETT, and
17 DANIEL BENNETT,
18 Defendants.

CASE NO. **2:15 - CR - 0209 JAM**

18 U.S.C. § 371 – Conspiracy to Deal Firearms
without a License (2 Counts); 18 U.S.C. § 371 –
Conspiracy to Manufacture and Deal Firearms
without a license; 18 U.S.C. § 922(a)(1)(A) – Dealing
Firearms without a License (25 Counts); 18 U.S.C. §
922(a)(1)(A) – Manufacturing Firearms without a
License; 26 U.S.C. § 5861(d) – Possession of an
Unregistered Short-Barreled Rifle (10 Counts); 26
U.S.C. § 5861(d) – Possession of an Unregistered
Silencer (12 Counts); 26 U.S.C. § 5861(i) –
Possession of an Unserialized Firearm (18 Counts);
21 U.S.C. § 841(a)(1) – Distribution of MDMA; 21
U.S.C. § 853(a), 18 U.S.C. § 924(d)(1) and 28 U.S.C.
§ 2461(c) – Criminal Forfeiture

19
20 INDICTMENT

21 COUNT ONE: [18 U.S.C. § 371 – Conspiracy to Deal Firearms without a License]

22 The Grand Jury charges: T H A T

23 JOSEPH LATU, and
24 ALGERNON TAMASOA,

25 defendants herein, between on or about February 6, 2015, and continuing through on or about March 11,
26 2015, in the County of Sacramento, State and Eastern District of California, and elsewhere, did conspire
27 with each other and with other persons unknown to the Grand Jury, to willfully engage in the business of
28 dealing in firearms without a license, in violation of Title 18, United States Code, Section 922(a)(1)(A).

1 In furtherance of the conspiracy and to effect the objects of the conspiracy, the following overt
2 acts, among others, were committed in the State and Eastern District of California and elsewhere:

- 3 1) On or about February 6, 2015, JOSEPH LATU and ALGERNON TAMASOA sold one
4 Norinco SKS Sporter rifle to an undercover U.S. Alcohol, Tobacco, Firearms, and
5 Explosives ("ATF") agent,
6 2) On or about February 9, 2015, JOSEPH LATU and ALGERNON TAMASOA sold one
7 Olympic Arm rifle and one Israel Military Desert Eagle pistol to an undercover ATF
8 agent,
9 3) On or about March 11, 2015, JOSEPH LATU and ALGERNON TAMASOA met with
10 the undercover ATF agent to discuss sources of firearms and future firearms sales,

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

12 COUNTS TWO THROUGH SEVEN: [18 U.S.C. § 922(a)(1)(A) – Dealing Firearms without a License]

13 The Grand Jury further charges that the defendants listed below, on or about the dates listed
14 below, in the County of Sacramento, State and Eastern District of California, not having received a
15 license to engage in the business of dealing in firearms, as required by Title 18, United States Code,
16 Section 923, did willfully engage in the business of dealing in firearms, in that the following defendants
17 sold to an undercover ATF agent the following described firearms:

Count	Date	Defendant(s)	Firearm Description (Quantity)	Serial Number
2	02/06/15	JOSEPH LATU ALGERNON TAMASOA	Norinco SKS Sporter Rifle (1)	92 38168
3	02/09/15	JOSEPH LATU ALGERNON TAMASOA	Olympic Arm model P.C.R. 01 rifle (1) Israel Military Desert Eagle pistol (1)	KX 8873 96391
4	02/27/15	ALGERNON TAMASOA	Bushmaster model XM15- E2S Rifle (1)	BFIT004818

5	03/05/15	JOSEPH LATU	Nagant M1895 revolver (1) Smith & Wesson model 42 revolver (1) Smith & Wesson, model 459 pistol (1)	189506194 BMB0826 A819855
6	03/19/15	ALGERNON TAMASOA	American Spirit Arms model ASA15, AR-15 type rifle (1) Ruger .223 mini-14 assault rifle (1)	AS13118 186-19615
7	04/08/15	ALGERNON TAMASOA	New Frontier model LW-15 rifle (1)	NLV67928

all in violation of Title 18, United States Code, Section 922(a)(1)(A).

COUNT EIGHT: [18 U.S.C. § 371 – Conspiracy to Deal Firearms without a License]

The Grand Jury further charges: T H A T

ALGERNON TAMASOA,
KEITH WHITE, and
JOHN ORTIZ,

defendants herein, between on or about May 15, 2015, and continuing through on or about May 15, 2015, in the County of Sacramento, State and Eastern District of California, and elsewhere, did conspire with each other and with other persons unknown to the Grand Jury, to willfully engage in the business of dealing in firearms without a license, in violation of Title 18, United States Code, Section 922(a)(1)(A).

In furtherance of the conspiracy and to effect the objects of the conspiracy, the following overt act, was committed in the State and Eastern District of California:

On or about May 15, 2015, ALGERNON TAMASOA, JOHN ORTIZ, and KEITH WHITE sold one unserialized, unmarked AR-15 type rifle and one AR-15 type JK Mustang Raptor rifle to an undercover ATF agent,

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

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COUNTS NINE THROUGH ELEVEN: [18 U.S.C. § 922(a)(1)(A) – Dealing Firearms without a License]

The Grand Jury further charges that the defendants listed below, on or about the dates listed below, in the State and Eastern District of California, not having received a license to engage in the business of dealing in firearms, as required by Title 18, United States Code, Section 923, did willfully engage in the business of dealing in firearms, in that the following defendants sold to an undercover ATF agent the following described firearms:

Count	Date	Defendant(s)	Firearm Description (Quantity)	Serial Number
9	05/15/15	ALGERNON TAMASOA	JK Mustang Raptor AR-15 type rifle (1)	R0259
		JOHN ORTIZ KEITH WHITE	AR-15 type rifle (1)	No Serial #
10	05/27/15	ALGERNON TAMASOA	AR-15 type rifles (2)	No Serial #
11	06/01/15	JOSEPH LATU	C.A.I. Zastava model PAP M92PV AK-type rifle (1)	M92PV048671
			Taurus Millennium G2 (1)	TFX33203
			Ruger SR40 (1)	342-73186
			Smith & Wesson M&P Bodyguard Crimson Trace (1)	CUN1923
			Glock 23 (1)	UXL536
			Smith & Wesson SD40 VE (1)	HEC2790

all in violation of Title 18, United States Code, Section 922(a)(1)(A).

COUNT TWELVE: [18 U.S.C. § 371 – Conspiracy to Manufacture and Deal Firearms without a License]

The Grand Jury further charges: T H A T

JOSEPH LATU,
CHARLES TUCKER,
IONEL PASCAN,
DANIEL BENNETT, and
DAVID BENNETT,

defendants herein, between on or about April 23, 2015, and continuing through on or about October 6,

1 2015, in the State and Eastern District of California, and elsewhere, did conspire with each other and
2 with other persons unknown to the Grand Jury, to willfully engage in the business of manufacturing and
3 dealing in firearms without a license, in violation of Title 18, United States Code, Section 922(a)(1)(A).

4 In furtherance of the conspiracy and to effect the objects of the conspiracy, the following overt
5 acts, among others, were committed in the State and Eastern District of California and elsewhere:

- 6 1) On April 23, 2015, JOSEPH LATU sold an unserialized, unmarked AR-15 type rifle to
7 an undercover ATF agent,
- 8 2) On April 24, 2015, CHARLES TUCKER and DAVID BENNETT exchanged text
9 messages about selling a firearm to an unidentified buyer,
- 10 3) On April 30, 2015, JOSEPH LATU sold an unserialized, unmarked AR-15 type rifle,
11 supplied by DAVID BENNETT, to an undercover ATF agent,
- 12 4) On June 11, 2015, JOSEPH LATU sold two unserialized, unmarked AR-15 type rifles,
13 one of which was manufactured by DAVID BENNETT, to an undercover ATF agent,
- 14 5) On July 17, 2015, JOSEPH LATU sold one unserialized, unmarked AR-15 type rifle and
15 one unserialized, unmarked silencer to an undercover ATF agent,
- 16 6) On July 20, 2015, JOSEPH LATU sold two unserialized, unmarked AR-15 type rifles
17 and one unserialized, unmarked silencer to an undercover ATF agent,
- 18 7) On July 28, 2015, JOSEPH LATU sold three unserialized, unmarked AR-15 type rifles
19 and three unserialized, unmarked silencers to an undercover ATF agent,
- 20 8) On August 4, 2015, JOSEPH LATU sold four unserialized, unmarked AR-15 type rifles
21 and five unserialized, unmarked silencers to an undercover ATF agent,
- 22 9) On August 11, 2015, JOSEPH LATU sold one unserialized, unmarked AR-15 type rifle
23 and four unserialized, unmarked silencers to an undercover ATF agent,
- 24 10) On August 20, 2015, JOSEPH LATU sold three unserialized, unmarked AR-15 type
25 rifles and five unserialized, unmarked silencers to an undercover ATF agent,
- 26 11) On August 27, 2015, JOSEPH LATU sold two unserialized, unmarked AR-15 type rifles;
27 one unserialized, unmarked short-barreled AR-15 type rifle; and three unserialized,
28 unmarked silencers to an undercover ATF agent,

- 1 12) On August 29, 2015, JOSEPH LATU, CHARLES TUCKER, IONEL PASCAN, and an
2 undercover ATF agent met to discuss the manufacture and sale of firearms, including
3 AR-15 type rifles and silencers,
- 4 13) On September 1, 2015, JOSEPH LATU, CHARLES TUCKER, and IONEL PASCAN
5 sold three unserialized, unmarked AR-15 type rifles; one unserialized, unmarked short-
6 barreled AR-15 type rifle; five unserialized, unmarked AR-15 type pistols; and two
7 unserialized, unmarked silencers to an undercover ATF agent,
- 8 14) On September 8, 2015, JOSEPH LATU sold five unserialized, unmarked AR-15 type
9 short-barreled rifles to an undercover ATF agent,
- 10 15) On September 15, 2015, JOSEPH LATU and CHARLES TUCKER sold five
11 unserialized, unmarked AR-15 type short-barreled rifles and five unserialized, unmarked
12 silencers to an undercover ATF agent,
- 13 16) On September 16, 2015, JOSEPH LATU sold eight unserialized, unmarked silencers to
14 an undercover ATF agent,
- 15 17) On September 28, 2015, JOSEPH LATU sold five unserialized, unmarked AR-15 type
16 rifles and one unserialized, unmarked silencer to an undercover ATF agent,
- 17 18) Between April 23, 2015, and October 6, 2015, CHARLES TUCKER, DAVID
18 BENNETT, and DANIEL BENNETT manufactured AR-15 type rifles that were sold to
19 an undercover ATF agent,
- 20 19) Between July 17, 2015, and October 6, 2015, IONEL PASCAN manufactured
21 unserialized, unmarked silencers that were sold to an undercover ATF agent, and
22 20) On or about October 6, 2015, JOSEPH LATU, CHARLES TUCKER, and IONEL
23 PASCAN attempted to sell an undercover ATF agent 50 unserialized, unmarked AR-15
24 type rifles and 50 unserialized, unmarked silencers,

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

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COUNTS THIRTEEN THROUGH TWENTY-EIGHT: [18 U.S.C. § 922(a)(1)(A) – Dealing Firearms without a License]

The Grand Jury further charges that the defendants listed below, on or about the dates listed below, in the State and Eastern District of California, not having received a license to engage in the business of dealing in firearms, as required by Title 18, United States Code, Section 923, did willfully engage in the business of dealing in firearms, in that the following defendants sold to an undercover ATF agent the following described firearms:

Count	Date	Defendant(s)	Firearm Description (Quantity)	Serial Number
13	04/23/15	JOSEPH LATU	AR-15 type rifle (1)	No Serial #
14	04/30/15	JOSEPH LATU	AR-15 type rifle (1)	No Serial #
15	06/11/15	JOSEPH LATU CHARLES TUCKER	AR-15 type rifles (2)	No Serial #
16	07/17/15	JOSEPH LATU CHARLES TUCKER	AR-15 type rifle (1) Silencer (1)	No Serial # No Serial #
17	07/20/15	JOSEPH LATU	AR-15 type rifles (2) Silencer (1)	No Serial # No Serial #
18	07/28/15	JOSEPH LATU	AR-15 type rifles (3) Silencers (3)	No Serial # No Serial #
19	08/04/15	JOSEPH LATU	AR-15 type rifles (4) Silencers (5)	No Serial # No Serial #
20	08/11/15	JOSEPH LATU	AR-15 type rifle (1) Silencers (4)	No Serial # No Serial #

21	08/20/15	JOSEPH LATU	AR-15 type rifles (5) Silencers (5)	No Serial # No Serial #
22	08/27/15	JOSEPH LATU	AR-15 type rifles (3) Silencers (3)	No Serial # No Serial #
23	09/01/2015	JOSEPH LATU CHARLES TUCKER IONEL PASCAN	AR-15 type rifles (4) AR-15 type pistols (5) Silencers (2)	No Serial # No Serial # No Serial #
24	09/08/15	JOSEPH LATU	AR-15 type rifles (5)	No Serial #
25	09/15/15	JOSEPH LATU CHARLES TUCKER	AR-15 type rifles (5) Silencers (5)	No Serial # No Serial #
26	09/16/15	JOSEPH LATU	Silencers (8)	No Serial #
27	09/28/15	JOSEPH LATU	AR-15 type rifles (5) Silencer (1)	No Serial # No Serial #
28	10/06/15	JOSEPH LATU CHARLES TUCKER IONEL PASCAN	AR-15 type rifles (50) Silencers (50)	No Serial # No Serial #

all in violation of Title 18, United States Code, Section 922(a)(1)(A).

COUNT TWENTY-NINE: [18 U.S.C. § 922(a)(1)(A) – Manufacturing Firearms without a License]

The Grand Jury further charges: T H A T

IONEL PASCAN,
DAVID BENNETT, and
DANIEL BENNETT,

defendants herein, between on or about April 23, 2015, and continuing through on or about October 6, 2015, in the County of San Joaquin, State and Eastern District of California, and elsewhere, not being licensed to manufacture firearms as described in Title 18, United States Code, Section 923, did willfully

engage in the business of manufacturing firearms, specifically, the unserialized AR-15 type rifles and silencers listed in Counts 13 through 28 herein, all in violation of Title 18, United States Code, Section 922(a)(1)(A).

COUNTS THIRTY THROUGH THIRTY-NINE: [26 U.S.C. § 5861(d) – Possession of an Unregistered Short-Barreled Rifle]

The Grand Jury further charges that the defendants listed below, on or about the dates listed below, in the State and Eastern District of California, did knowingly possess a firearm as defined in Title 26, United States Code, Section 5845(a), as described below, with a barrel length of less than 16 inches and an overall length of less than 26 inches, which firearm was not registered to the defendant in the National Firearms Registration and Transfer Record:

Count	Date	Defendant(s)	Firearm Description (Quantity)	Serial Number
30	06/01/15	JOSEPH LATU	C.A.I. Zastava model PAP M92PV AK-type rifle (1)	M92PV048671
31	06/11/15	JOSEPH LATU CHARLES TUCKER	AR-15 type rifle (1)	No Serial #
32	07/17/15	JOSEPH LATU CHARLES TUCKER	AR-15 type rifle (1)	No Serial #
33	07/28/15	JOSEPH LATU	AR-15 type rifles (2)	No Serial #
34	08/04/15	JOSEPH LATU	AR-15 type rifles (4)	No Serial #
35	08/20/15	JOSEPH LATU	AR-15 type rifles (2)	No Serial #
36	08/27/15	JOSEPH LATU	AR-15 type rifle (1)	No Serial #
37	09/01/2015	JOSEPH LATU CHARLES TUCKER IONEL PASCAN	AR-15 type rifle (1)	No Serial #
38	09/08/15	JOSEPH LATU	AR-15 type rifles (5)	No Serial #

39	09/15/15	JOSEPH LATU CHARLES TUCKER	AR-15 type rifles (5)	No Serial #
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all in violation of Title 26, United States Code, Section 5861(d).

COUNTS FORTY THROUGH FIFTY-ONE: [26 U.S.C. § 5861(d) – Possession of an Unregistered Silencer]

The Grand Jury further charges that the defendants listed below, on or about the dates listed below, in the State and Eastern District of California, did knowingly possess a firearm, to wit, a silencer, as defined in Title 18, United States Code, Section 921(a)(24), not registered to the defendant in the National Firearms Registration and Transfer Record:

Count	Date	Defendant(s)	Firearm Description (Quantity)	Serial Number
40	07/17/15	JOSEPH LATU CHARLES TUCKER	Silencer (1)	No Serial #
41	07/20/15	JOSEPH LATU	Silencer (1)	No Serial #
42	07/28/15	JOSEPH LATU	Silencers (3)	No Serial #
43	08/04/15	JOSEPH LATU	Silencers (5)	No Serial #
44	08/11/15	JOSEPH LATU	Silencers (4)	No Serial #
45	08/20/15	JOSEPH LATU	Silencers (5)	No Serial #
46	08/27/15	JOSEPH LATU	Silencers (3)	No Serial #
47	09/01/2015	JOSEPH LATU CHARLES TUCKER IONEL PASCAN	Silencers (2)	No Serial #
48	09/15/15	JOSEPH LATU CHARLES TUCKER	Silencers (5)	No Serial #
49	09/16/15	JOSEPH LATU	Silencers (8)	No Serial #

50	09/28/15	JOSEPH LATU	Silencer (1)	No Serial #
51	10/06/15	JOSEPH LATU CHARLES TUCKER IONEL PASCAN	Silencers (50)	No Serial #

all in violation of Title 26, United States Code, Section 5861(d).

COUNTS FIFTY-TWO THROUGH SIXTY-NINE: [26 U.S.C. § 5861(i) – Possession of an Unserialized Firearm]

The Grand Jury further charges the defendants below, on or about the dates listed below, in the State and Eastern District of California, and elsewhere, did knowingly possess a firearm, to wit, either an AR-15 type rifle or a silencer, as described below, not identified by a serial number as required by Chapter 53 of Title 26:

Count	Date	Defendant(s)	Firearm Description (Quantity)	Serial Number
52	04/23/15	JOSEPH LATU	AR-15 type rifle (1)	No Serial #
53	04/30/15	JOSEPH LATU	AR-15 type rifle (1)	No Serial #
54	05/15/15	ALGERNON TAMASOA JOHN ORTIZ KEITH WHITE	AR-15 type rifle (1)	No Serial #
55	05/27/15	ALGERNON TAMASOA	AR-15 type rifles (2)	No Serial #
56	06/11/15	JOSEPH LATU CHARLES TUCKER	AR-15 type rifles (2)	No Serial #
57	07/17/15	JOSEPH LATU CHARLES TUCKER	AR-15 type rifle (1) Silencer (1)	No Serial # No Serial #
58	07/20/15	JOSEPH LATU	AR-15 type rifles (2) Silencer (1)	No Serial # No Serial #

1	59	07/28/15	JOSEPH LATU	AR-15 type rifles (3)	No Serial #
2				Silencers (3)	No Serial #
3	60	08/04/15	JOSEPH LATU	AR-15 type rifles (4)	No Serial #
4				Silencers (5)	No Serial #
5	61	08/11/15	JOSEPH LATU	AR-15 type rifle (1)	No Serial #
6				Silencers (4)	No Serial #
7	62	08/20/15	JOSEPH LATU	AR-15 type rifles (5)	No Serial #
8				Silencers (5)	No Serial #
9	63	08/27/15	JOSEPH LATU	AR-15 type rifles (3)	No Serial #
10				Silencers (3)	No Serial #
11	64	09/01/2015	JOSEPH LATU CHARLES TUCKER IONEL PASCAN	AR-15 type rifles (4) AR-15 type pistols (5) Silencers (2)	No Serial # No Serial # No Serial #
12	65	09/08/15	JOSEPH LATU	AR-15 type rifles (5)	No Serial #
13	66	09/15/15	JOSEPH LATU CHARLES TUCKER	AR-15 type rifles (5) Silencers (5)	No Serial # No Serial #
14	67	09/16/15	JOSEPH LATU	Silencers (8)	No Serial #
15	68	09/28/15	JOSEPH LATU	AR-15 type rifles (5) Silencer (1)	No Serial # No Serial #
16	69	10/06/15	JOSEPH LATU CHARLES TUCKER IONEL PASCAN	AR-15 type rifles (50) Silencers (50)	No Serial # No Serial #

all in violation of Title 26, United States Code, Section 5861(i).

1 COUNT SEVENTY: [21 U.S.C. § 841(a)(1) – Distribution of MDMA]

2 The Grand Jury further charges: T H A T

3 ALGERNON TAMASOA,

4 defendant herein, on or about April 3, 2015, in the County of Sacramento, State and Eastern District of
5 California, did knowingly and intentionally distribute a mixture and substance containing a detectable
6 amount of MDMA, a Schedule I Controlled Substance, in violation of Title 21, United States Code,
7 Section 841(a)(1).

8 FORFEITURE ALLEGATION: [18 U.S.C. § 924(d)(1); 21 U.S.C. § 853(a); 26 U.S.C. § 5872; and
9 28 U.S.C. § 2461(c) – Criminal Forfeiture

10 1. Upon conviction of one or more of the offenses alleged in Counts One through Twenty-
11 Eight of this Indictment, defendants JOSEPH LATU, ALGERNON TAMASOA, JOHN ORTIZ,
12 KEITH WHITE, CHARLES TUCKER, and IONEL PASCAN shall forfeit to the United States pursuant
13 to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c),
14 any firearms and ammunition involved in or used in the knowing or willful commission of the offenses.

15 2. Upon conviction of the offense alleged in Count Twenty-Nine of this Indictment,
16 defendants IONEL PASCAN, DAVID BENNETT, and DANIEL BENNETT shall forfeit to the United
17 States pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code,
18 Section 2461(c), any firearms and ammunition involved in or used in the knowing or willful commission
19 of the offenses.

20 3. Upon conviction of one or more of the offenses alleged in Counts Thirty through Fifty-
21 One of this Indictment, defendants JOSEPH LATU, CHARLES TUCKER, and IONEL PASCAN shall
22 forfeit to the United States pursuant to Title 26, United States Code, Section 5872 and Title 28, United
23 States Code, Section 2461(c), any firearms involved in the commission of the offenses.

24 4. Upon conviction of one or more of the offenses alleged in Counts Fifty-Two through
25 Sixty-Nine of this Indictment, defendants JOSEPH LATU, ALGERNON TAMASOA, JOHN ORTIZ,
26 KEITH WHITE, CHARLES TUCKER, and IONEL PASCAN shall forfeit to the United States pursuant
27 to Title 26, United States Code, Section 5872 and Title 28, United States Code, Section 2461(c), any
28 firearms involved in the commission of the offenses.

1 5. Upon conviction of the offense alleged in Count Seventy of this Indictment, defendant
2 ALGERNON TAMASOA, shall forfeit to the United States pursuant to Title 21, United States Code,
3 Section 853(a), the following property:

4 a. All right, title, and interest in any and all property involved in violation of Title
5 21, United States Code, Section 841(a)(1), for which defendant is convicted, and all property traceable
6 to such property, including the following: all real or personal property, which constitutes or is derived
7 from proceeds obtained, directly or indirectly, as a result of such offense; and all property used, or
8 intended to be used, in any manner or part to commit or to facilitate the commission of the offense.

9 b. A sum of money equal to the total amount of proceeds obtained as a result of the
10 offense, for which defendant is convicted.


11 6. If any property subject to forfeiture, as a result of the offenses alleged in Counts One
12 through Seventy of this Indictment, for which defendants are convicted:

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

19 it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) and Title 28,
20 United States Code, Section 2461(c), to seek forfeiture of any other property of defendants, up to the
21 value of the property subject to forfeiture.

22 A TRUE BILL.

23
24 **/s/ Signature on file w/AUSA**
25 FOREPERSON

26 
27 BENJAMIN B. WAGNER
28 United States Attorney

No. **215 - CR - 0209 JAM** 1

UNITED STATES DISTRICT COURT

Eastern District of California

Criminal Division

THE UNITED STATES OF AMERICA

vs.

JOSEPH LATU
ALGERNON TAMASOA
JOHN ORTIZ
KEITH WHITE
CHARLES TUCKER
IONEL PASCAN
DAVID BENNETT
DANIEL BENNETT

INDICTMENT

VIOLATION(S): 18 U.S.C. § 371 – Conspiracy to Manufacture and Deal Firearms Without a License (2 Counts); 18 U.S.C. § 922(a)(1)(A) – Dealing Firearms Without a License (25 Counts); 18 U.S.C. § 922(a)(1)(A) – Manufacturing Firearms Without a License; 26 U.S.C. § 5861(d) – Possession of an Unregistered Short-Barreled Rifle (10 Counts); 26 U.S.C. § 5861(d) – Possession of an Unregistered Silencer (12 Counts); 26 U.S.C. § 5861(i) – Possession of an Unserialized Firearm (18 Counts); 21 U.S.C. § 841(a)(1) – Distribution of MDMA; and 28 U.S.C. § 2461(c) – Criminal Forfeiture

A true bill,

/s/ Signature on file w/AUSA

Foreman.

Filed in open court this ----- day

of -----, A.D. 20 -----

Clerk.

NO PROCESS NECESSARY

Caroline DeLaney

2:15 - CR - 0209 JAM

7

United States v. Latu et al.
Penalties for Indictment

Defendants

JOSEPH LATU, ALGERNON TAMASOA, JOHN ORTIZ, KEITH WHITE, CHARLES TUCKER, IONEL PASCAN, DANIEL BENNETT, DAVID BENNETT

COUNT 1: LATU, TAMASOA

VIOLATION: 18 U.S.C. § 371 - Conspiracy to Manufacture and Distribute Firearms Without a License

PENALTIES: A maximum of up to 5 years in prison; or
Fine of up to \$250,000; or both fine and imprisonment
Supervised release of up to 3 years

SPECIAL ASSESSMENT: \$100 (mandatory on each count)

COUNTS 2-7, 9-11, 13-28: LATU, TAMASOA, ORTIZ, WHITE, TUCKER, PASCAN

VIOLATION: 18 U.S.C. § 922(a)(1)(A) – Dealing Firearms Without a License

PENALTIES: A maximum of up to 5 years in prison; or
Fine of up to \$250,000; or both fine and imprisonment
Supervised release of up to 3 years

SPECIAL ASSESSMENT: \$100 (mandatory on each count)

COUNT 29: PASCAN, DANIEL BENNETT, DAVID BENNETT

VIOLATION: 18 U.S.C. § 922(a)(1)(A) – Manufacturing Firearms Without a License

PENALTIES: A maximum of up to 5 years in prison; or
Fine of up to \$250,000; or both fine and imprisonment
Supervised release up to 3 years

SPECIAL ASSESSMENT: \$100 (mandatory on each count)

COUNTS 30-39: LATU, TUCKER, PASCAN

VIOLATION: 26 U.S.C. § 5861(d) - Possession of an unregistered firearm (short-barreled rifle)

PENALTIES: A maximum of up to 10 years in prison; or

Fine of up to \$10,000; or both fine and imprisonment
Supervised release of up to 3 years

SPECIAL ASSESSMENT: \$100 (mandatory on each count)

COUNTS 40-51: LATU, TUCKER, PASCAN

VIOLATION: 26 U.S.C. § 5861(d) - Possession of an unregistered firearm (silencer)

PENALTIES: A maximum of up to 10 years in prison; or
Fine of up to \$10,000; or both fine and imprisonment
Supervised release of up to 3 years

SPECIAL ASSESSMENT: \$100 (mandatory on each count)

COUNTS 52-69: LATU, TAMASOA, ORTIZ, WHITE, PASCAN, TUCKER

VIOLATION: 26 U.S.C. § 5861(i) - Possession of a Firearm Which is Not Identified by a
Serial Number

PENALTIES: A maximum of up to 10 years in prison; or
Fine of up to \$10,000; or both fine and imprisonment
Supervised release of up to 3 years

SPECIAL ASSESSMENT: \$100 (mandatory on each count)

COUNT 70: TAMASOA

VIOLATION: 21 U.S.C. § 841(a)(1) – Distribution of MDMA

PENALTIES: Not more than 20 years,
Not more than \$1,000,000 fine, or both
At least 3 years and up to a life term of Supervised Release

SPECIAL ASSESSMENT: \$100 (mandatory on each count)

FORFEITURE ALLEGATION: all Defendants

VIOLATION: 21 U.S.C. § 853(a) - Criminal Forfeiture

18 U.S.C. § 934(d)(1), 28 U.S.C. § 2461(c) - Criminal Forfeiture

PENALTIES: As stated in the charging document