

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

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>CRIMINAL NO.</b> _____
<b>v.</b>	<b>:</b>	<b>DATE FILED:</b> _____
	<b>:</b>	<b>VIOLATIONS:</b>
<b>EMILIO ALVAREZ</b>	<b>:</b>	<b>18 U.S.C. § 371 (conspiracy – 1 count)</b>
<b>ROBERTO SANTIAGO</b>	<b>:</b>	<b>18 U.S.C. § 922(a)(1)(A) (dealing in firearms without a license – 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 922(d) (transferring a firearm to a convicted felon - 2 counts)</b>
	<b>:</b>	<b>18 U.S.C. § 922(j) (possession of stolen firearms – 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 2 (aiding and abetting) Notice of forfeiture</b>

**INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

At all times material to this indictment:

1. Defendant EMILIO ALVAREZ was not licensed to deal in firearms under the provisions of Chapter 44, Title 18, United States Code.
2. Defendant ROBERTO SANTIAGO was not licensed to deal in firearms under the provisions of Chapter 44, Title 18, United States Code.
3. “The Buyer,” known to the grand jury, was a convicted felon and prohibited from lawfully receiving and possessing firearms.
4. From on or about June 2, 2014, to on or about June 18, 2014, in Reading, in the Eastern District of Pennsylvania, defendants

**EMILIO ALVAREZ and  
ROBERTO SANTIAGO**

conspired and agreed, together and with others known and unknown to the grand jury, to commit an offense against the United States, that is, to willfully engage in the business of dealing in firearms without being licensed to do so under the provisions of Chapter 44, Title 18, United States Code, in violation of Title 18, United States Code, Sections 922(a)(1)(A) and 924(a)(1)(D).

### **MANNER AND MEANS**

It was part of the conspiracy that:

5. Defendant EMILIO ALVAREZ negotiated the sale of firearms to a person known to the grand jury ("The Buyer").

6. Defendant ROBERTO SANTIAGO provided many of the firearms and participated in and assisted in the sale and delivery of firearms to The Buyer.

### **OVERT ACTS**

In furtherance of the conspiracy and to accomplish its objects, defendants EMILIO ALVAREZ and ROBERTO SANTIAGO committed the following overt acts, among others, in the Eastern District of Pennsylvania:

On or about June 3, 2014:

1. Defendant EMILIO ALVAREZ agreed to provide a handgun to The Buyer.

2. Defendant EMILIO ALVAREZ met The Buyer near 325 Morgantown Road in Reading, Pennsylvania.

3. Defendant EMILIO ALVAREZ provided The Buyer with a handgun; that is, a Smith and Wesson, Model 4046, .40 caliber semiautomatic pistol, serial number TZN9732.

4. Defendant EMILIO ALVAREZ offered to sell other guns to The Buyer in the future, and agreed to broker the sale of a cache of longarm firearms to The Buyer from seller, later identified as defendant ROBERTO SANTIAGO.

On or about June 18, 2014:

5. Defendant EMILIO ALVAREZ, having previously arranged to broker the transfer of a cache of firearms to The Buyer from defendant ROBERTO SANTIAGO, met The Buyer in Barbie Park in Reading, Pennsylvania.

6. Defendant EMILIO ALVAREZ collected \$1,700 cash from The Buyer, representing a \$1,200 payment for the cache of firearms and a \$500 payment for the right to permanently keep the pistol that defendant ALVAREZ had provided to The Buyer on June 3, 2014.

7. Defendant EMILIO ALVAREZ directed The Buyer to drive to an alley near the 1200 Block of Douglas Street in Reading.

8. Defendant ROBERTO SANTIAGO met The Buyer and defendant EMILIO ALVAREZ in the alley.

9. To complete the transaction, defendant ROBERT SANTIAGO moved a large box containing a Marlin, Model XT-22 .22 caliber rifle, serial number MM36077B; a Weatherby, Model Sub-MOA .243 caliber rifle, serial number VB022365; a Mossberg Model 500, 20 gauge shotgun, serial number R817084; a Mossberg Model 500 20 gauge shotgun serial number T019760; a Marlin Model 17V .17 caliber rifle, serial number 97629447; a Mossberg Model 500 20 gauge shotgun, serial number T972864; a Mossberg Model 535 12 gauge shotgun, serial number AT111506 ; a Marlin Model 882 .22 caliber rifle, serial number

12713791; a New England Firearms Model Pardner 12 gauge shotgun, serial number NW244506; and a Weatherby, Model Vanguard .243 caliber rifle, serial number VS226126, from a building to The Buyer's car. The box also contained three black powder longarms, that is, an Optima .50 caliber Rifle; a BPI-Connecticut Valley Arms Kodiak Magnum .50 caliber rifle, serial number 61-13-138191-04; and a Cabela's .50 caliber rifle serial number A496551, which are not firearms within the meaning of federal law.

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

**COUNT TWO**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1, 2, 5, and 6, and Overt Acts 1 through 9 of Count One are incorporated here.

2. From on or about June 2, 2014, through on or about June 18, 2014, in Reading, in the Eastern District of Pennsylvania, defendants

**EMILIO ALVAREZ and  
ROBERTO SANTIAGO**

willfully engaged in, and aided and abetted engaging in, the business of dealing in firearms without being licensed to do so under the provisions of Chapter 44, Title 18, United States Code.

In violation of Title 18, United States Code, Sections 922(a)(1)(A) and 924(a)(1)(D) and 2.

### **COUNT THREE**

#### **THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraph 3 and Overt Acts 1 through 3 and 6 of Count One are incorporated here.

2. On or about June 3, 2014, in Reading, in the Eastern District of Pennsylvania, defendant

#### **EMILIO ALVAREZ**

knowingly disposed of, that is, loaned and rented, a firearm, that is, a Smith and Wesson, Model 4046, .40 caliber semiautomatic pistol, serial number TZN9732, to a person known to the grand jury ("The Buyer"), knowing and having reasonable cause to believe that the Buyer had been convicted of a crime punishable by imprisonment for a term exceeding one year.

In violation of Title 18, United States Code, Sections 922(d) and 924(a)(2).

## **COUNT FOUR**

### **THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraph 3 and Overt Acts 4 through 9 of Count One are incorporated here.
2. On or about June 18, 2014, in Reading, in the Eastern District of Pennsylvania, defendants

### **EMILIO ALVAREZ and ROBERTO SANTIAGO**

knowingly sold, and aided and abetted the sale of, a firearm, that is, (1) a Marlin, Model XT-22 .22 caliber rifle, serial number MM36077B; (2) a Weatherby, Model Sub-MOA .243 caliber rifle, serial number VB022365; (3) a Mossberg Model 500, 20 gauge shotgun, serial number R817084; (4) a Mossberg Model 500 20 gauge shotgun serial number T019760; (5) a Marlin Model 17V .17 caliber rifle, serial number 97629447; (6) a Mossberg Model 500 20 gauge shotgun, serial number T972864; (7) a Mossberg Model 535 12 gauge shotgun, serial number AT111506 ; (8) a Marlin Model 882 .22 caliber rifle, serial number 12713791; (9) a New England Firearms Model Pardner 12 gauge shotgun, serial number NW244506; and (10) a Weatherby, Model Vanguard .243 caliber rifle, serial number VS226126, to a person known to the grand jury (“The Buyer”), knowing and having reasonable cause to believe that The Buyer had been convicted of a crime punishable by imprisonment for a term exceeding one year.

In violation of Title 18, United States Code, Sections 922(d) and 924(a)(2).

**COUNT FIVE**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Overt Acts 4 through 9 of Count One are incorporated here.
2. On or about June 18, 2014, in Reading, in the Eastern District of Pennsylvania, defendants

**EMILIO ALVAREZ and  
ROBERTO SANTIAGO**

knowingly possessed and sold, and aided and abetted the possession and sale of, stolen firearms, that is, (1) a Marlin, Model XT-22 .22 caliber rifle, serial number MM36077B; (2) a Weatherby, Model Sub MOA .243 caliber rifle, serial number VB022365; (3) a Mossberg Model 500, 20 gauge shotgun, serial number R817084; (4) a Mossberg Model 500 20 gauge shotgun serial number T019760; (5) a Marlin Model 17V .17 caliber rifle, serial number 97629447 ; (6) a Mossberg Model 500 20 gauge shotgun, serial number T972864; (7) a Mossberg Model 535 12 gauge shotgun, serial number AT111506; (8) a Marlin Model 882 .22 caliber rifle, serial number 12713791; (9) a New England Firearms Model Pardner 12 gauge shotgun, serial number NW244506; and (10) a Weatherby, Model Vanguard .243 caliber rifle, serial number VS226126, which had been shipped and transported in interstate commerce before they were stolen, knowing and having reasonable cause to believe the firearms were stolen.

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



## **NOTICE OF FORFEITURE**

### **THE GRAND JURY FURTHER CHARGES THAT:**

As a result of the violations of Title 18, United States Code, Sections 922(a)(1)(A) and 922(d) and (j) set forth in this indictment, defendants

**EMILIO ALVAREZ and  
ROBERTO SANTIAGO**

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

- 1: Marlin XT-22 .22 cal. rifle, serial number MM36077B with Center Point scope and magazine
- 2: Weatherby Sub-MOA .243 cal. rifle, serial number VB022365 with Redfield scope
- 3: Mossberg 20 gauge shotgun, serial number R817084. Model: 500
- 4: Mossberg 20 gauge shotgun serial number T019760 with scope. Model: 500
- 5: Marlin Model 17V .17 cal. rifle, serial number 97629447 with scope
- 6: Mossberg 20 gauge shotgun, serial number T972864 with sling. Model: 500
- 7: Mossberg Model 535 12 gauge shotgun, serial number AT111506 with Nikon scope and sling
- 8: Marlin Model 882 .22 cal. rifle, serial number 12713791 with Bushnell scope
- 9: New England Firearms Pardner 12 gauge shotgun, serial number NW244506
- 10: Weatherby, Vanguard .243 cal. rifle, serial number VS226126 with scope

11: Smith and Wesson, Model 4046, .40 caliber semiautomatic pistol, serial number TZN9732

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

**A TRUE BILL:**

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**FOREPERSON**

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**ZANE DAVID MEMEGER**  
**United States Attorney**