

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

UNITED STATES OF AMERICA	:	CRIMINAL NO. 16-135
v.	:	DATE FILED: April 5, 2016
SOMATH HOM	:	VIOLATIONS:
	:	18 U.S.C. § 924(a)(1)(A) (false statements to a federal firearms licensee - 2 counts) Notice of forfeiture

INDICTMENT

COUNTS ONE AND TWO

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

1. Each of the following businesses was a federal firearm licensee, possessed a federal firearm license ("FFL") and was authorized to deal in firearms under federal law:

a. Philadelphia Training Academy, located at 831-33 Ellsworth Street, Philadelphia, PA 19147; and,

b. Firing Line, Inc., located at 1532 South Front Street, Philadelphia, PA 19147.

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 handgun 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. A person who purchases a firearm for another person and falsely completes the Form 4473 is a "straw purchaser."

5. 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, to ensure that the person is not prohibited from purchasing a firearm.

6. On or about each of the dates specified in the chart below, defendant

SOMATH HOM,

in connection with the acquisition of each of the firearms listed below, 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 FFL holder's records, in that defendant SOMATH HOM certified on the Form 4473 that he was the actual buyer of the firearms listed below, when in fact, as defendant HOM knew, this statement was false and fictitious (each Form

4473 certification constituting a separate count of this indictment):

Count	Date of Purchase and FFL	Firearm Purchased
1	November 3, 2015 Philadelphia Training Academy 831-33 Ellsworth Street Philadelphia, PA 19147	Smith & Wesson, Model M&P Shield, .40 S&W caliber semi-automatic pistol, serial no. HRY9338,
2	November 9, 2015 Firing Line, Inc. 1532 South Front Street Philadelphia, PA 19147	Smith & Wesson Bodyguard, Model BG380, .380 auto caliber pistol, serial no. KCN0071, seized by Philadelphia Police during a car stop on December 10, 2015, loaded with 12 rounds of .380 auto caliber ammunition.

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

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

As a result of the violations of Title 18, United States Code, Section 924(a)(1)(A) as set forth in Counts One and Two of this Indictment, defendant

SOMATH HOM

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), all firearms involved in the commission of these offenses, including, but not limited to:

1. Smith & Wesson, Model M&P Shield, .40 S&W caliber pistol, serial no. HRY9338;
2. Smith & Wesson Bodyguard, Model BG380, .380 auto caliber pistol, serial no. KCN0071;
3. 12 rounds of .380 auto caliber ammunition.

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

A TRUE BILL:

GRAND JURY FOREPERSON

ZANE DAVID MEMEGER
United States Attorney