

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

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
	:	
	:	DATE FILED: _____
v.	:	
	:	VIOLATIONS:
JERMAINE GALE, a/k/a Jermain Gale		18 U.S.C. § 371 (Conspiracy - 1 count)
DAVID REED, a/k/a David Reeds		18 U.S.C. § 922(a)(1)(A) (Unlicensed dealing in firearms without a license - 1 Count)
EVERTON MORRIS, a/k/a Robert Miller, a/k/a "Jay Jay"		18 U.S.C. § 2 (Aiding and Abetting) 18 U.S.C. § 922(g)(5)(Possession of a firearm by an illegal alien- 2 Counts)

I N D I C T M E N T

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. At all times material to this Indictment defendants JERMAINE GALE, a/k/a Jermain Gale, and DAVID REED, a/k/a David Reeds, were not licensed federal firearms dealers as defined in Chapter 44 of Title 18, United States Code.

2. From on or about August 1, 1998 to on or about August 28, 1998, in the Eastern District of Pennsylvania, defendants

JERMAINE GALE and DAVID REED

knowingly and unlawfully combined, conspired, confederated and agreed together to commit the following offense against the United States:

To willfully and unlawfully engage in the business of dealing in firearms, without having been licensed to do

so under the provisions of Chapter 44 of Title 18, United States Code, in violation of Title 18, United States Code, Section 922(a)(1)(A).

MANNER AND MEANS

1. It was a part of the conspiracy that:

A. Defendant DAVID REED, with the assistance of defendant JERMAINE GALE, unlawfully purchased 27 semi-automatic pistols of various brands and calibers, and one Taurus .38 caliber revolver in Croydon, Pennsylvania, intending to unlawfully resell the guns for profit;

B. Defendants DAVID REED and JERMAINE GALE transported those firearms into Philadelphia;

C. In an attempt to make the firearms untraceable, on at least one occasion defendants DAVID REED and JERMAINE GALE agreed to remove, alter or obliterate the manufacturer's serial numbers from the firearms they sold, using a drill.

D. On at least one occasion, defendants DAVID REED and JERMAINE GALE personally removed or caused another to remove the manufacturer's serial numbers from six semi-automatic pistols they sold.

E. On four occasions, defendants DAVID REED and JERMAINE GALE unlawfully sold or instructed another to sell the following 17 semi-automatic pistols and one Taurus .38 caliber revolver:

1. Bryco Arms Jennings Nine 9 mm. semi-automatic pistol, serial number 1314529
2. Bryco Arms Jennings Nine 9 mm. semi-automatic pistol, serial number 1314536
3. Intratec CAT-9, 9 mm. semi-automatic pistol, serial number 02288
4. Bryco Arms Jennings Nine 9 mm. semi-automatic pistol, serial number 1331720
5. Bryco Arms Jennings Nine 9 mm. semi-automatic pistol, serial number 1331721

6. Bryco Arms Jennings Nine 9 mm. semi-automatic pistol, serial number 1331765
7. Bryco Arms Jennings Nine 9 mm. semi-automatic pistol, serial number 1331766
8. Bryco Arms Jennings Nine 9 mm. semi-automatic pistol, serial number 1331767
9. Bryco Arms Jennings Nine 9 mm. semi-automatic pistol, serial number 1331768
10. Bryco Arms Jennings Nine 9 mm. semi-automatic pistol, serial number 1306452
11. Bryco Arms Jennings Nine 9 mm. semi-automatic pistol, serial number 1331711
12. Bryco Arms Jennings Nine 9 mm. semi-automatic pistol, serial number 1331712
13. Bryco Arms Jennings Nine 9 mm. semi-automatic pistol, serial number 1331713
14. Bryco Arms Jennings Nine 9 mm. semi-automatic pistol, serial number 1331723
15. Republic Arms Patriot 45 caliber semi-automatic pistol, serial number M001255
16. Republic Arms Patriot 45 caliber semi-automatic pistol, serial number M001267
17. Taurus 85, 38 caliber revolver, serial number KB 77448
18. Lorcin L-380, 380 caliber semi-automatic pistol, serial number 488035

F. The conspirators unlawfully purchased the following semi-automatic pistols:

1. Bryco Arms Jennings Nine 9 mm. semi-automatic pistol, serial number 1319250
2. Bryco Arms Jennings Nine 9 mm. semi-automatic pistol, serial number 1319251
3. Bryco Arms Jennings Nine 9 mm. semi-automatic pistol, serial number 1331774
4. Bryco Arms Jennings Nine 9 mm. semi-automatic pistol,

serial number 1319248

5. Bryco Arms Jennings Nine 9 mm. semi-automatic pistol, serial number 1319249
6. Ruger P-90DC, 45 caliber semi-automatic pistol, serial number 66160963
7. Bryco Arms Jennings Nine 9 mm. semi-automatic pistol, serial number 1331773
8. Bryco Arms Jennings Nine 9 mm. semi-automatic pistol, serial number 1331772
9. Bryco Arms Jennings Nine 9 mm. semi-automatic pistol, serial number 1319252
10. Bryco Arms Jennings Nine 9 mm. semi-automatic pistol, serial number 1319253

OVERT ACTS

In furtherance of the conspiracy, the following overt acts were committed in the Eastern District of Pennsylvania:

1. On or about August 1, 1998, defendant DAVID REED traveled with defendant JERMAINE GALE to Bob's Gun Shop, 314 Bristol Pike, Croydon, PA, ("Bob's Gun Shop") where defendant DAVID REED purchased three semi-automatic pistols: one Bryco Arms Jennings Nine 9 millimeter semi-automatic pistol, serial number 1314529; one Bryco Arms Jennings Nine 9 millimeter semi-automatic pistol, serial number 1314536; and one Intratec CAT-9, 9 millimeter semi-automatic pistol, serial number 02288.

2. While making this purchase, defendant DAVID REED advised an employee of Bob's Gun shop that he was going to return to the gun shop in one week and purchase an additional six Bryco Arms Jennings Nine 9 millimeter pistols.

3. On or about August 6, 1998, defendant DAVID REED telephoned Bob's Gun Shop and informed an employee that he would be at the shop on the next day to purchase six Bryco Arms Jennings Nine 9 millimeter semi-automatic pistols.

4. On or about August 6, 1998, defendant JERMAINE GALE traveled to Bob's Gun Shop where he made a \$500 cash down payment toward the purchase of six Bryco Arms Jennings Nine 9 millimeter pistols.

5. On or about August 7, 1998, defendants DAVID REED and JERMAINE GALE again traveled to Bob's Gun Shop where defendant REED completed the Bureau of Alcohol, Tobacco & Firearms Form 4473 for the purchase of six Bryco Arms Jennings Nine 9 millimeter semi-automatic pistols, bearing serial numbers 1331720, 1331721, 1331765, 1331766, 1331767, 1331768.

6. Later that same day, defendant JERMAINE GALE paid in cash the outstanding balance owed for the six Bryco Arms Jennings Nine 9 millimeter semi-automatic pistols.

7. Defendants DAVID REED and JERMAINE GALE transported these six Bryco Arms Jennings Nine 9 millimeter pistols to Philadelphia where they, or another person acting at their instruction, removed the serial numbers from each of these weapons.

8. On or about August 7, 1998, defendants DAVID REED and JERMAINE GALE sold these six Bryco Arms Jennings Nine 9 millimeter pistols, each with its serial number removed, and two boxes of 9 millimeter ammunition containing a total of 86 rounds for a profit at 51st and Spruce Streets in Philadelphia, PA to EVERTON MORRIS, a/k/a Robert Miller, a/k/a "Jay Jay."

9. On or about August 20, 1998, defendants DAVID REED and JERMAINE GALE traveled to Bob's Gun Shop where defendant DAVID REED completed the Bureau of Alcohol, Tobacco & Firearms Form 4473 for the purchase of five Bryco Arms Jennings Nine 9 millimeter semi-automatic pistols, bearing serial numbers 1306452, 1331711, 1331712, 1331713, and 1331723.

10. On or about August 25, 1998, defendants DAVID REED and JERMAINE GALE traveled to Bob's Gun Shop where defendant DAVID REED purchased four pistols: one Republic Arms Patriot 45 caliber semi-automatic pistol, serial number M001255; one Republic Arms

Patriot 45 caliber semi-automatic pistol, serial number M001267; one Taurus 85, 38 caliber revolver, serial number KB 77448; and one Lorcin L-380, 380 caliber semi-automatic pistol, serial number 488035.

11. During this visit, defendant JERMAINE GALE placed an order for ten Bryco Arms Jennings Nine 9 millimeter semi-automatic pistols and one 45 caliber Taurus semi-automatic pistol.

12. When he placed this order, defendant JERMAINE GALE told employees of Bob's Gun Shop that he would telephone them on August 27, 1998 to learn when these pistols would be available.

13. On or about August 27, 1998, defendant JERMAINE GALE telephoned Bob's Gun Shop to inquire whether the ten Bryco Arms Jennings Nine 9 millimeter semi-automatic pistols ordered on August 25, 1998 had arrived.

14. During this conversation, defendant JERMAINE GALE asked whether he could pay for and pick up these pistols himself, and was told that the purchaser must fill out federally-mandated forms detailing his or her eligibility to purchase a firearm.

15. On or about August 28, 1998, defendants DAVID REED and JERMAINE GALE traveled to Bob's Gun shop where defendant DAVID REED completed the Bureau of Alcohol, Tobacco & Firearms Form 4473 for the purchase of ten pistols: one Bryco Arms Jennings Nine 9 millimeter semi-automatic pistol, serial number 1319250; one Bryco Arms Jennings Nine 9 millimeter semi-automatic pistol, serial number 1319251; one Bryco Arms Jennings Nine 9 millimeter semi-automatic pistol, serial number 1331774; one Bryco Arms Jennings Nine 9 millimeter semi-automatic pistol, serial number 1319248; one Bryco Arms Jennings Nine 9 millimeter semi-automatic pistol, serial number 1319249; one Ruger P-90DC, 45 caliber semi-automatic pistol, serial number 66160963; one Bryco Arms Jennings Nine 9 millimeter semi-automatic pistol, serial number 1331773; one Bryco Arms Jennings Nine 9 millimeter semi-automatic pistol, serial number 1331772; one Bryco Arms

Jennings Nine 9 millimeter semi-automatic pistol, serial number 1319252; and one Bryco Arms Jennings Nine 9 millimeter semi-automatic pistol, serial number 1319253.

16. On or about August 28, 1998, defendant JERMAINE GALE paid in cash for the Ruger P-90DC, 45 caliber semi-automatic handgun, serial number 66160963, purchased on that date by defendant DAVID REED.

17. On or about August 28, 1998, defendants DAVID REED and JERMAINE GALE each paid half of the cost of the nine Bryco Arms Jennings Nine 9 millimeter handguns purchased on that day.

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

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. From on or about August 1, 1998 through on or about August 28, 1998, in the Eastern District of Pennsylvania, defendants

JERMAINE GALE and DAVID REED

purchased for resale 27 semi-automatic pistols of various brands and calibers and one Taurus .38 caliber revolver, removed the serial numbers from some of these firearms, and sold eighteen of them for profit.

2. From on or about August 1, 1998 through on or about August 28, 1998, in the Eastern District of Pennsylvania, defendants

JERMAINE GALE and DAVID REED

willfully engaged in and wilfully aided and abetted 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 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about August 7, 1998, at Philadelphia, in the Eastern

District of Pennsylvania, defendant

EVERTON MORRIS, a/k/a ROBERT MILLER, a/k/a "Jay Jay"

being an alien, illegally or unlawfully in the United States, knowingly possessed in and affecting commerce firearms and ammunition, that is six Bryco Arms Jennings Nine 9 millimeter semi-automatic pistols, bearing serial numbers 1331720, 1331721, 1331765, 1331766, 1331767, 1331768, and two boxes of 9 millimeter ammunition containing a total of 86 rounds.

In violation of Title 18, United States Code, Section 922(g)(5).

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about August 7, 1998, at Philadelphia, in the Eastern District of Pennsylvania, defendant

EVERTON MORRIS, a/k/a ROBERT MILLER, a/k/a "Jay Jay"

being an alien, illegally or unlawfully in the United States, knowingly possessed in and affecting commerce firearms and ammunition, that is one Intratec Tec-9 9 millimeter semi-automatic pistol, serial number 35618, loaded with one round in the chamber, and an extended ammunition magazine loaded with 22 rounds of 9 millimeter ammunition.

In violation of Title 18, United States Code, Section 922(g)(5).

A TRUE BILL:

FOREPERSON

MICHAEL R. STILES
United States Attorney