

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

UNITED STATES OF AMERICA : **CRIMINAL NO.** _____
v. : **DATE FILED:** _____
PATRICIA HELEM : **VIOLATION:**
: **18 U.S.C. § 924(a)(1)(A) (making a false**
: **statement to a federal firearms licensee**
: **- 5 counts)**
: **Notice of forfeiture**

INDICTMENT

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

1. Lou's of Upper Darby, Inc., 29 South 69th Street, Upper Darby, Pennsylvania, possessed a federal firearms license ("FFL") and was authorized to deal in firearms under federal law.
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 required that a person seeking to purchase a firearm fill out a "Firearm Transaction Record," ATF Form 4473. Part of ATF Form 4473 required that the prospective purchaser certify truthfully, subject to penalties of perjury, that he or she was the actual buyer of the firearm. ATF Form 4473 contained language warning that ". . . answering "yes" to question 12a [which asks, "Are you the actual buyer of the firearm(s) listed on this form?"] when [you] [are] 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 ATF Form 4473 is a “straw purchaser.” Acting as a straw purchaser is referred to as “lying and buying.”

5. FFL holders were required to maintain a record, in the form of a completed ATF Form 4473, of the identity of the actual buyer of firearms sold by the FFL holder, to ensure that the person was not prohibited from purchasing a firearm.

6. On or about November 6, 2002, in Upper Darby, in the Eastern District of Pennsylvania, defendant,

PATRICIA HELEM,

in connection with the acquisition of firearms, that is, a Glock, Model 23, .40 caliber pistol, serial number DXX471 US, and a Bryco Arms, model 9, 9mm pistol, serial number 1497343, from Lou’s of Upper Darby, Inc., 29 South 69th Street, Upper Darby, Pennsylvania, a dealer licensed under the provisions of Chapter 44, Title 18, United States Code (“Chapter 44”), to engage in the business of dealing in firearms, knowingly made a false statement and representation with respect to information required by the provisions of Chapter 44 to be kept in the records of Lou’s of Upper Darby, Inc., in that defendant HELEM certified on ATF Form 4473, Firearms Transaction Record, that she was the actual buyer of both firearms, when, as defendant HELEM well knew, this statement was false and fictitious.

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

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. The allegations in paragraphs 1 through 5 of Count One of this Indictment are incorporated herein by reference.

2. On or about February 7, 2003, in Upper Darby, in the Eastern District of Pennsylvania, defendant,

PATRICIA HELEM,

in connection with the acquisition of a firearm, that is, a Beretta, Model 9000S, .40 caliber pistol, serial number SN003805, from Lou's of Upper Darby, Inc., 29 South 69th Street, Upper Darby, Pennsylvania, a dealer licensed under the provisions of Chapter 44 of Title 18, United States Code ("Chapter 44") to engage in the business of dealing in firearms, knowingly made a false statement and representation with respect to information required by the provisions of Chapter 44 to be kept in the records of Lou's of Upper Darby, Inc., in that defendant HELEM certified on ATF Form 4473, Firearms Transaction Record, that she was the actual buyer of the firearm, when, as defendant HELEM well knew, this statement was false and fictitious.

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

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

1. The allegations in paragraphs 1 through 5 of Count One of this Indictment are incorporated herein by reference.

2. On or about May 16, 2003, in Upper Darby, in the Eastern District of Pennsylvania, defendant,

PATRICIA HELEM,

in connection with the acquisition of firearms, that is, a Federal Arms, Model FA91, .308 caliber rifle, serial number 005956, and a Glock, Model 17, 9mm pistol, serial number GK050 US, from Lou's of Upper Darby, Inc., 29 South 69th Street, Upper Darby, Pennsylvania, a dealer licensed under the provisions of Chapter 44 of Title 18, United States Code ("Chapter 44") to engage in the business of dealing in firearms, knowingly made a false statement and representation with respect to information required by the provisions of Chapter 44 to be kept in the records of Lou's of Upper Darby, Inc., in that defendant HELEM certified on ATF Form 4473, Firearms Transaction Record, that she was the actual buyer of both firearms, when, as defendant HELEM well knew, this statement was false and fictitious.

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

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

1. The allegations in paragraphs 1 through 5 of Count One of this Indictment are incorporated herein by reference.

2. On or about June 4, 2003, in Upper Darby, in the Eastern District of Pennsylvania, defendant,

PATRICIA HELEM,

in connection with the acquisition of a firearm, that is, a Glock, Model 21, .45 caliber pistol, serial number EXN079 US, from Lou's of Upper Darby, Inc., 29 South 69th Street, Upper Darby, Pennsylvania, a dealer licensed under the provisions of Chapter 44 of Title 18, United States Code ("Chapter 44") to engage in the business of dealing in firearms, knowingly made a false statement and representation with respect to information required by the provisions of Chapter 44 to be kept in the records of Lou's of Upper Darby, Inc., in that defendant HELEM certified on ATF Form 4473, Firearms Transaction Record, that she was the actual buyer of the firearm, when, as defendant HELEM well knew, this statement was false and fictitious.

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

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

1. The allegations in paragraphs 1 through 5 of Count One of this Indictment are incorporated herein by reference.

2. On or about June 6, 2003, in Upper Darby, in the Eastern District of Pennsylvania, defendant,

PATRICIA HELEM,

in connection with the acquisition of a firearm, that is, a Glock, Model 20, 10mm pistol, serial number EUN564 US, from Lou's of Upper Darby, Inc., 29 South 69th Street, Upper Darby, Pennsylvania, a dealer licensed under the provisions of Chapter 44 of Title 18, United States Code ("Chapter 44") to engage in the business of dealing in firearms, knowingly made a false statement and representation with respect to information required by the provisions of Chapter 44 to be kept in the records of Lou's of Upper Darby, Inc., in that defendant HELEM certified on ATF Form 4473, Firearms Transaction Record, that she was the actual buyer of the firearm, when, as defendant HELEM well knew, this statement was false and fictitious.

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), set forth in this indictment, defendant

PATRICIA HELEM

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

1. Glock, Model 23, .40 caliber pistol, serial number DXX471 US;
2. Bryco Arms, model 9, 9mm pistol, serial number 1497343;
3. Beretta, Model 9000S, .40 caliber pistol, serial number SN003805;
4. Federal Arms, Model FA91, .308 caliber rifle, serial number 005956;
5. Glock, Model 17, 9mm pistol, serial number GK050 US;
6. Glock, Model 21, .45 caliber pistol, serial number EXN079 US; and
7. Glock, Model 20, 10mm pistol, serial number EUN564 US.

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

PATRICK L. MEEHAN
United States Attorney