

FEB 16 2016

US DISTRICT COURT
WESTERN DISTRICT OF NC

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES OF AMERICA)

DOCKET NO. 3:16 cr 41-MOC

)
)
)
)
BILL OF INDICTMENT

v.)

)
)
)
Violations:

RICHMOND AKOTO ATTAH,
Defendant)

)
)
)
18 U.S.C. § 554

)
)
)
18 U.S.C. § 922(a)(1)

)
)
)
18 U.S.C. § 922(a)(6)

)
)
)
22 U.S.C. § 2778

)
)
)
)
UNDER SEAL

THE GRAND JURY CHARGES:

At the specified and all relevant times:

INTRODUCTION

1. From on or about 2013 to present, in Mecklenburg and Gaston Counties, within the Western District of North Carolina, and elsewhere, Richmond Akoto Attah (ATTAH), defendant herein, aided and abetted by others known and unknown to the Grand Jury, illegally obtained, trafficked, smuggled, and exported firearms from the United States to Ghana, West Africa.

ILLEGAL PURCHASES AND TRAFFICKING OF FIREARMS

2. Beginning at least in 2013, and continuing to the present, ATTAH purchased quantities of firearms and ammunition from various stores, Internet vendors and gun shows, including dealers in the Western District of North Carolina.

3. ATTAH purchased the firearms and ammunition with the intent and purpose of smuggling and exporting the guns to Ghana. However, when filling out the federally required ATF Form 4473 before purchasing the weapons, ATTAH lied and stated that he was the actual buyer and transferee of the firearms.
4. ATTAH is not a federally licensed firearms dealer.
5. From on or about September 2013 to December 2015 ATTAH purchased approximately 63 (sixty-three) firearms and 3,500 rounds of ammunitions from various stores, Internet vendors and gun shows, including dealers in the Western District of North Carolina.
6. On or about September 4, 2015, ATTAH travelled from Charlotte to Ghana. During his return trip to Charlotte on October 10, 2015, ATTAH hid \$30,100 dollars within his luggage during a layover in the Detroit Airport and falsely declared in his Customs paperwork that he was only bringing \$350.00 back into the United States from Ghana.
7. From on or about November 2015, to December 13, 2015, ATTAH purchased approximately 22 (twenty-two) firearms and ammunition from dealers in North Carolina and online.
8. On or about December 12, 2015, ATTAH hid 27 firearms inside a washing machine and a dryer, and hid 3,500 rounds of ammunition inside a barrel, including:
 - a. Six Taurus PT-24/7 G2 nine millimeter semi-automatic pistols;
 - b. Four Taurus PT-140 Millennium .40 caliber semi-automatic pistols;
 - c. Ten Taurus PT-111 Millennium nine millimeter semi-automatic pistols;
 - d. Three Taurus PT-809 nine millimeter semi-automatic pistols;
 - e. Two Taurus PT-840C .40 caliber semi-automatic pistols;
 - f. One Hermann Weihrauch E/AR .38 caliber revolver;

- g. One Taurus R-462 .357 caliber revolver;
 - h. 1000 rounds of .45 caliber ammunition;
 - i. 1000 rounds of .40 caliber ammunition;
 - j. 1000 rounds of nine millimeter ammunition; and
 - k. 500 rounds of .38 caliber ammunition.
9. On or about December 13, 2015, ATTAH placed the washer, dryer, and barrel inside a shipping container located in Charlotte, North Carolina, that was destined for and booked to be shipped to Ghana.
10. On or about December 15, 2015, the container with the hidden firearms and ammunition left Charlotte and was driven to the port in Savannah, Georgia; where it was dropped off for shipment to Ghana and interdicted by U.S. customs officers.

ARMS CONTROL ACT

11. The export of defense related articles was regulated by the Arms Export Control Act, Title 22, United States Code, Section 2778 (“AECA”). Section 2778(a) authorized the President of the United States to control the import and export of defense articles and to establish a United States Munitions List (the “USML”), which designated and defined the defense articles subject to these controls.
12. Section 2778(b) required any person engaged in the business of manufacturing or exporting any defense articles to register with the government. Section 2778(c) established criminal penalties for any willful violation of Section 2778 or any rule or regulation promulgated thereunder.
13. The United States Department of State (“the State Department”) implemented these statutory provisions by adopting the International Traffic in Arms Regulations (“ITAR”),

Title 22, Code of Federal Regulations, Parts 120 *et seq.* These regulations established the USML and required an export license for the export of any items on the list.

14. Under 22 C.F.R. § 1201, Category I, items that cannot be exported without a license include, “Firearms, Close Assault Weapons and Combat Shotguns, Non-automatic and semi-automatic firearms to caliber .50 inclusive (12.7 mm).”
15. Under 22 C.F.R. § 1201, Category III, items that cannot be exported without a license include, “Ammunition/ordnance for the articles in Categories I and II of this section.”
16. ATTAH does not possess a license to export firearms or ammunition to Ghana or any other country.

COUNT ONE

(Arms Control Act Violation)
(22 U.S.C § 2778)

17. Paragraphs 1 through 16 are incorporated herein by reference.
18. On or about and between December 14, 2015 and December 15, 2015, in Mecklenburg County, within the Western District of North Carolina and elsewhere, the defendant,

RICHMOND AKOTO ATTAH,

aiding and abetting others known and unknown to the Grand Jury, knowingly and willfully exported and attempted to export from the United States to Ghana defense articles, that are, .45, .40, and nine millimeter semi-automatic pistols, a .38 revolver, and .45, .40, .38, and nine millimeter caliber ammunition, which was designated as a defense article on the United States Munitions List, without having first obtained from the Department of State a license for such export or written authorization for such export. All in violation of Title 22, United States Code, Sections 2778 (b)(2) and 2778 (c), and

Title 22, Code of Federal Regulations, Sections 121.1, 123.1, and 127.1, and Title, United States Code, Section § 2.

COUNT TWO

(Illegal Firearms Dealing)
(18 U.S.C. § 922(a)(1)(A))

19. Paragraphs 1 through 16 are incorporated herein by reference.
20. On or about and between December 14, 2015 and December 15, 2015, in Mecklenburg County, within the Western District of North Carolina and elsewhere, the defendant,

RICHMOND AKOTO ATTAH,

aiding and abetting others known and unknown to the Grand Jury, not being a licensed dealer or importer of firearms within the meaning of Chapter 44, Title 18, United States Code, knowingly and willfully engaged in the business of dealing in firearms, and in the course of such business did ship, transport, and receive one or more firearms in interstate and foreign commerce. All in violation of Title 18, United States Code, Sections 922(a)(1)(A), 923(a), and 924(a)(1)(D).

COUNT THREE

(Smuggling)
(18 U.S.C. § 554)

21. Paragraphs 1 through 16 are incorporated herein by reference.
22. On or about and between December 14, 2015 and December 15, 2015, in Mecklenburg County, within the Western District of North Carolina and elsewhere, the defendant,

RICHMOND AKOTO ATTAH,

aiding and abetting others known and unknown to the Grand Jury, did knowingly attempt to export and send firearms and ammunition from the United States to Ghana, contrary to

the law and regulations of the United States, to wit a violation of: (a) 22 U.S.C. § 2778 as charged in Count One, and (b) a violation of 18 U.S.C. § 922(a)(1)(A) as charged in Count Two. All in violation of Title 18, United States Code, Sections 554 and 2.

COUNT FOUR

(Smuggling)
(18 U.S.C. § 554)

23. Paragraphs 1 through 16 are incorporated herein by reference.
24. On or about and between December 12, 2015 and December 15, 2015, in Mecklenburg County, within the Western District of North Carolina and elsewhere, the defendant,

RICHMOND AKOTO ATTAH,

aiding and abetting others known and unknown to the Grand Jury, did knowingly conceal and facilitate the transportation, concealment, and sale of firearms and ammunition, prior to exportation, knowing the same to be intended for exportation from the United States, contrary to any law or regulation of the United States, to wit a violation of: (a) 22 U.S.C. § 2778 as charged in Count One, and (b) a violation of 18 U.S.C. § 922(a)(1)(A) as charged in Count Two. All in violation of Title 18, United States Code, Sections 554 and 2.

COUNTS FIVE THROUGH NINE

(False Statements to Firearms Dealer)
(18 U.S.C. § 922(a)(6))

25. Paragraphs 1 through 16 are incorporated herein by reference.
26. On or about the dates listed below, in Mecklenburg and Gaston Counties, within the Western District North Carolina, the defendant,

RICHMOND AKOTO ATTAH,

in connection with the acquisition of the firearms listed below, from Mount Holly Gun and Pawn and Carthage Shooting Sports, both licensed firearms dealers within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious written statements to the listed federally licensed firearms dealers, which false statements were intended and likely to deceive the federally licensed firearms dealers, as to a fact material to the lawfulness of such sale of the said firearms to the defendant under Chapter 44 of Title 18, in that defendant answered "Yes" to question 11(a) of ATF form 4473, for the purchase of each firearm listed below, which asked "Are you the actual transferee/buyer of the firearm(s) listed on this form?," when in truth and fact, the defendant knew he was not the actual transferee and buyer, but rather bought the firearms with the intent to export the firearms overseas to the actual transferee and buyer.

| COUNT | DATE | FIREARMS DEALER | FIREARM |
|--------------|-------------------|--------------------------|------------------------|
| FIVE | November 13, 2015 | Mount Holly Gun and Pawn | Taurus PT-840 pistol |
| SIX | November 23, 2015 | Mount Holly Gun and Pawn | Taurus PT-840 C pistol |
| SEVEN | December 3, 2015 | Mount Holly Gun and Pawn | Taurus PT-809 pistol |
| EIGHT | December 11, 2015 | Mount Holly Gun and Pawn | Taurus PT-809 pistol |
| NINE | December 12, 2015 | Carthage Shooting Sports | Taurus PT-111 pistol |

All in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

NOTICE OF FORFEITURE

27. Notice is hereby given of the provisions of 18 U.S.C. §924(d) and the statutes incorporated or referred to therein. The firearms and ammunition listed below are subject to forfeiture in accordance with §924(d) because they were involved in or used or intended to be used in the violations alleged in this bill of indictment:

- a. Six Taurus PT-24/7 G2 nine millimeter semi-automatic pistols;
- b. Four Taurus PT-140 Millennium .40 caliber semi-automatic pistols;
- c. Eleven Taurus PT-111 Millennium nine millimeter semi-automatic pistols;
- d. Three Taurus PT-809 nine millimeter semi-automatic pistols;
- e. Two Taurus PT-840C .40 caliber semi-automatic pistols;
- f. One Hermann Weihrauch E/AR .38 caliber semi-automatic pistol;
- g. One Taurus R-462 .357 caliber revolver;
- h. 1000 rounds of .45 caliber ammunition;
- i. 1000 rounds of .40 caliber ammunition;
- j. 1000 rounds of nine millimeter ammunition; and
- k. 500 rounds of .38 caliber ammunition.

A TRUE BILL:



FOREPERSON

JILL WESTMORELAND ROSE
UNITED STATES ATTORNEY

Handwritten signatures of Kevin Zolot and Michael Savage in black ink, written over a horizontal line.

KEVIN ZOLOT
MICHAEL SAVAGE
ASSISTANT UNITED STATES ATTORNEYS

UNDER SEAL

NEW CRIMINAL CASE COVER SHEET

U. S. DISTRICT COURT

(To be used for all new Bills of Indictments and Bills of Information)

CASE SEALED: YES NO

DOCKET NUMBER:

3:16 CR41

If case is to be sealed, a Motion to Seal and proposed Order **must** be attached.)

CASE NAME :US vs RICHMOND AKOTO ATTAH

COUNTY OF OFFENSE : Mecklenburg

RELATED CASE INFORMATION :

Magistrate Judge Case Number :

Search Warrant Case Number :

Miscellaneous Case Number :

Rule 20b :

SERVICE OF PROCESS : Arrest Warrant

U.S.C. CITATIONS (Mark offense carrying greatest weight): Petty Misdemeanor Felony

18 U.S.C. § 554, 18 U.S.C. § 922(a)(1)(A), 18 U.S.C. § 922(a)(6), 22 U.S.C. § 2778

JUVENILE: Yes No

ASSISTANT U. S. ATTORNEY : Michael Savage & Kevin Zolot

VICTIM/WITNESS COORDINATORS:

INTERPRETER NEEDED :

LIST LANGUAGE AND/OR DIALECT:

REMARKS AND SPECIAL INSTRUCTIONS:

(Maintain form in the Attorney Work Product folder / purge before archiving)