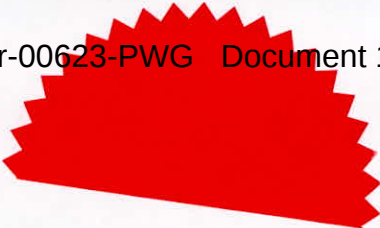


MBZ: USAO 2014R00524



FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

2015 DEC -7 PM 4:16

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

BRIAN THOMAS PLATT,

Defendant

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CRIMINAL NO. **PWG 15cr 0623**

Unlawful Export of Defense Articles, 22
U.S.C. § 2778(b)(2) and (c); Forfeiture,
18 U.S.C. § 981(a)(1)(C), 22 U.S.C. § 401,
19 U.S.C. § 1595a(d), 28 U.S.C. § 2461(c)

INDICTMENT

COUNT ONE

(Unlawful Export of Defense Articles)

The Grand Jury for the District of Maryland charges that:

Introduction

At all times relevant to this Indictment:

1. In furtherance of the security and foreign policy of the United States, the Arms Export Control Act (“AECA”) (Title 22, United States Code, Section 2778) authorized the President of the United States (“the President”) to control the export of “defense articles” by designating certain items, such as firearms, components, parts, accessories, and attachments, on the United States Munitions List (“USML”). By virtue of the President’s delegation of his authority under the AECA, the Directorate of Defense Trade Controls (“DDTC”) within the United States Department of State was charged with regulating the export of defense articles.

2. The AECA and its attendant regulations, the International Traffic in Arms Regulations (“ITAR”) (Title 22, Code of Federal Regulations, Parts 120-130), required a person

to apply for and obtain an export license from the DDTC before exporting defense articles from the United States. (Title 22, United States Code, Sections 2778(b)(2) and 2794(3), and 22 C.F.R. Section 120.1.) In the export license application, known as a Form DSP-5, the exporter was required to identify the nature of the defense articles to be exported, the end-recipient, and the purpose for which they are intended. These factors and others assisted the DDTC in determining whether the export of the armaments would further the security and foreign policy interests of the United States or would otherwise affect world peace.

3. Category I of the USML designated certain firearms, components, parts, accessories, and attachments, as defense articles subject to the ITAR. At all times relevant to this Indictment, the following firearm parts, accessories, and attachments were designated defense articles under Category I of the USML and prohibited from export from the United States absent an export license from the DDTC: M-16 selectors, M-16 disconnectors, M-16 auto sear assemblies, M-16 hammers, Uzi trigger groups, Uzi top covers, and IMI Factory Galil 5.56mm barrels.

The Charge

4. On or about June 24, 2014, in the District of Maryland and elsewhere, the defendant,

BRIAN THOMAS PLATT,

knowingly and willfully attempted to and did export and cause the export of firearm parts and accessories designated as defense articles in Category I of the United States Munitions List, to wit: one Uzi trigger group and two Uzi top covers, from the United States and destined for

France, without having first obtained the required licenses and authorizations from the United States Department of State, Directorate of Defense Trade Controls.

22 U.S.C. § 2778

22 C.F.R. §§ 121.1, 123.1, 127.1

COUNT TWO
(Unlawful Export of Defense Articles)

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 through 3 of Count One are incorporated here.
2. On or about August 14, 2014, in the District of Maryland and elsewhere, the

defendant,

BRIAN THOMAS PLATT,

knowingly and willfully attempted to and did export and cause the export of firearm parts and accessories designated as defense articles in Category I of the United States Munitions List, to wit: three M-16 selectors, three M-16 disconnectors, three M-16 auto sear assemblies, and three M-16 hammers, from the United States and destined for Thailand, without having first obtained the required licenses and authorizations from the United States Department of State, Directorate of Defense Trade Controls.

22 U.S.C. § 2778

22 C.F.R. §§ 121.1, 123.1, 127.1

COUNT THREE
(Unlawful Export of Defense Articles)

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 through 3 of Count One are incorporated here.
2. On or about October 4, 2015, in the District of Maryland and elsewhere, the defendant,

BRIAN THOMAS PLATT,

knowingly and willfully attempted to and did export and cause the export of firearm parts and accessories designated as defense articles in Category I of the United States Munitions List, to wit: one 18½ inch IMI Factory Galil 5.56mm barrel, from the United States and destined for Finland, without having first obtained the required licenses and authorizations from the United States Department of State, Directorate of Defense Trade Controls.

22 U.S.C. § 2778
22 C.F.R. §§ 121.1, 123.1, 127.1

FORFEITURE ALLEGATION

The Grand Jury for the District of Maryland further finds that:

1. Pursuant to Fed. R. Crim. P. 32.2, notice is hereby given to the defendant that the United States will seek forfeiture as part of any sentence in accordance with Title 18, United States Code, Section 981(a)(1)(C), Title 22, United States Code, Section 401, Title 19, United States Code, Section 1595a(d), and Title 28, United States Code, Section 2461(c), in the event of the defendant's conviction on any of Counts One through Three of this Indictment.

2. As a result of the offenses set forth in Counts One through Three of this Indictment, the defendant,

BRIAN THOMAS PLATT,

shall forfeit to the United States:

a. all property, real and personal, which constitutes or is derived from proceeds traceable to the offenses, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), including but not limited to:

- i. all monies in SunTrust bank account ending in 5177;
- ii. all monies in SunTrust bank account ending in 2251;
- iii. all monies in Adams County National Bank account ending in 7517;
- iv. all monies in Adams County National Bank account ending in 8013;
- v. the real property located at 214 West Golden Lane, New Oxford, Pennsylvania, 17350; and
- vi. the real property located at 15 Mathew Dr., New Oxford,

Pennsylvania, 17350;

b. any arms or munitions of war or other articles that were exported or attempted to be exported or shipped from or taken out of or removed from the United States as part of the offenses, any vessel, vehicle, or aircraft containing the same or which has been used or is being used in exporting or attempting to export such article, pursuant to Title 22, United States Code, Section 401, and Title 28, United States Code, Section 2461(c);

c. all commodities (other than arms or munitions of war) or technology which was intended to be or was being exported in violation of laws governing such exports as part of the offenses and any vessel, vehicle, or aircraft containing the same or which has been used or is being used in exporting or attempting to export such article, pursuant to Title 22, United States Code, Section 401, and Title 28, United States Code, Section 2461(c); and

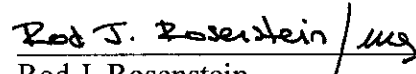
d. all merchandise exported or sent, or attempted to be exported or sent, from the United States contrary to law as part of the offenses, or the proceeds or value thereof, and all property used to facilitate the exporting or sending of such merchandise, the attempted exporting or sending of such merchandise, or the receipt, purchase, transportation, concealment, or sale of such merchandise, pursuant to Title 19, United States Code, Section 1595a(d), and Title 28, United States Code, Section 2461(c).

3. If, as a result of any act or omission of the defendant, any such property subject to forfeiture:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be subdivided; the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

18 U.S.C. § 981(a)(1)(C)
22 U.S.C. § 401
19 U.S.C. § 1595a(d)
28 U.S.C. § 2461(c)



Rod J. Rosenstein
United States Attorney

A TRUE BILL:

SIGNATURE REDACTED

Foreperson

Date: December 7, 2015