

ORIGINAL

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AUG 17 2010

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JAMES N. HATTEN, Clerk
By *gmw* Deputy Clerk

UNITED STATES OF AMERICA : CRIMINAL INDICTMENT
: :
v. : :
: : NO. **1:10-CR-352**
JOHN DENNIS TAN ONG, a.k.a. : :
DENNIS ONG, a.k.a. : :
JOHN TAN ONG : :
and : :
RONNEL RIVERA, a.k.a. : :
RONNEL CHUA RIVERA : :

THE GRAND JURY CHARGES THAT:

INTRODUCTION

1. At all times relevant to this Indictment, defendant JOHN DENNIS TAN ONG ("ONG"), a.k.a. DENNIS ONG, a.k.a. JOHN TAN ONG, resided in Canada and engaged in the business of exporting items from the United States to a foreign country, namely the Philippines.

2. At all times relevant to this Indictment, defendant RONNEL RIVERA ("RIVERA"), a.k.a. RONNEL CHUA RIVERA, resided in the Philippines.

The Arms Export Control Act

3. In furtherance of world peace and the security and foreign policy of the United States, the Arms Export Control Act (22 U.S.C. § 2778 et seq.) authorized the President of the United

States to control the export of defense articles and defense services. The regulations which govern such exports are titled the International Traffic in Arms Regulations (ITAR) (22 C.F.R. §§ 120-130). The ITAR contains a list of defense articles and defense services which are subject to control by these regulations. The list is called the United States Munitions List ("USML") (22 C.F.R. § 121.1). At all times relevant to this Indictment, the following items were designated on the USML:

- the Rock River Arms Bolt Carrier Group (full auto);
- the Colt M4A1 Lower Receiver Machined;
- the Vltor MUR-1A Modular Upper Receivers;
- the receiver extension tubes for the AR 15/M4 rifle;
- the Magpul PRS rifle stock for the AR 15/M4 rifle;
- the Magpul 30 round magazines for the AR 15/M4 rifle; and,
- the Rock River Arms, Inc. select-fire trigger/fire controls groups (each group consisting of Hammer/Trigger Pins, Trigger Spring, Full Auto Trigger, Full Auto Disconnecter, Disconnecter Spring, Hammer Spring, Full Auto Hammer, Auto Sear Assembly, Auto Sear Pin).

At all times relevant to this Indictment, the Department of State, Directorate of Defense Trade Controls, regulated the exportation of defense articles by, among other things, requiring persons to apply for and receive licenses or other written approvals from the Directorate of Defense Trade Controls before

exporting defense articles. Such license applications had to identify the specific defense articles to be exported, the foreign consignee, and the end-user.

4. At no time relevant to this indictment, did the defendants, JOHN DENNIS TAN ONG, a.k.a. DENNIS ONG, a.k.a. JOHN TAN ONG, and RONNEL RIVERA, a.k.a. RONNEL CHUA RIVERA, receive or possess a license or written authorization from the Directorate of Defense Trade Controls to export munition list items from the United States.

COUNT ONE

The Grand Jury realleges and incorporates by reference herein Paragraphs 1 through 4 of this Indictment.

The Conspiracy

Beginning from on or about July 1, 2009, and continuing through on or about February 14, 2010, in the Northern District of Georgia and elsewhere, the defendants, JOHN DENNIS TAN ONG, a/k/a DENNIS ONG, a/k/A JOHN TAN ONG, and RONNEL RIVERA, a/k/a RONNEL CHUA RIVERA, with each other and with others known and unknown, did knowingly and willfully combine, conspire, confederate, and agree to commit the following offenses:

a. To knowingly and willfully export from the United States to the Philippines certain United States defense articles, those being ten (10) Rock River Arms Bolt Carrier Groups; ten (10) Colt M4A1 Lower Receiver Machined, five (5) Vltor MUR-1A Modular Upper

Receivers, ten (10) receiver extension tubes for the AR 15/M4 rifle, eight (8) Magpul PRS rifle stock for the AR 15/M4 rifle, twenty (20) Magpul 30 round magazines for the AR 15/M4 rifle, and ten (10) Rock River Arms, Inc. select-fire trigger/fire controls groups (each group consisting of Hammer/Trigger Pins, Trigger Spring, Full Auto Trigger, Full Auto Disconnecter, Disconnecter Spring, Hammer Spring, Full Auto Hammer, Auto Sear Assembly, Auto Sear Pin) which were designated as defense articles on the United States Munitions List, without having first obtained from the Department of State's Directorate of Defense Trade Controls a license for such export or written authorization for such export, in violation of Title 22, United States Code, Sections 2778(b)(2) and (c); and Title 22, Code of Federal Regulations, Sections 121.1, 123.1, and 127.1.

The Manner and Means

The conspirators would and did use the following manner and means, among others, to accomplish the objects of the conspiracy:

a. At all times relevant to this Indictment, defendant RIVERA used the internet, namely electronic mail ("email") to purchase gun parts and to arrange for their shipment outside the United States.

b. At all times relevant to this Indictment, defendant ONG traveled to the United States, in part, to export items from the United States to foreign countries, namely the Philippines. Defendant ONG's activities included exporting items to defendant

RIVERA in the Philippines.

c. At all times relevant to this Indictment, defendant RIVERA and defendant ONG used emails to coordinate and to arrange the payment for the export of items from the United States to the Philippines.

d. At all times relevant to this Indictment, defendant RIVERA and defendant ONG used wire transfers to move money from a bank account in the Philippines to a bank account located in the United States to pay for items and for the export of items from the United States.

OVERT ACTS

To further the objectives of the conspiracy, and to accomplish its goals, the following overt acts, among others, were committed in the Northern District of Georgia and elsewhere:

a. On or about July 10, 2009, defendant RIVERA sent an email to an undercover agent, ("UC"), which stated that defendant RIVERA was looking for, among other things, 10 bolts for the AR15, receiver extension tubes and Magul PRS rifle stocks.

b. On or about July 10, 2009, defendant RIVERA sent another email to the UC in which defendant RIVERA inquired about the availability of Vltor Mur upper receivers.

c. On or about July 11, 2009, defendant RIVERA sent an email to the UC in which defendant RIVERA inquired about the availability of a 5.56 sound suppressor.

d. On or about July 13, 2009, defendant RIVERA sent an email in which defendant RIVERA ordered, among other things, the following parts:

- 10 Colt lower receivers;
- 5 Vltor Mur-1A upper receivers;
- 10 Bolt Carrier Group (full auto); and,
- 10 Trigger Group M4/M16 (full Auto).

In this same email, defendant RIVERA requested that the items be sent in several shipments.

e. On or about July 13, 2009, defendant RIVERA sent an email advising that defendant RIVERA wanted to know the best way to ship the items without being noticed.

f. On or about August 11, 2009, defendant RIVERA sent an email to the UC advising that defendant RIVERA wanted the items sent to a friend in Los Angeles who would handle the shipping. Defendant RIVERA further advised that this friend previously shipped barrels and upper receivers to defendant RIVERA.

g. On or about September 14, 2009, defendant RIVERA sent an email to defendant ONG stating that defendant RIVERA ordered suppressors and receivers from the UC and would like to have the items sent to defendant ONG. The email further requested permission to give defendant ONG's email address to the UC.

h. On the same date, defendant ONG replied by email to RIVERA that the items could be shipped to a particular address in the

state of Washington. On that same date, defendant ONG also inquired as to whether this shipment was to be included in defendant RIVERA's separate shipment of jet skis.

i. On or about September 14, 2009, defendant RIVERA sent an email to the UC advising that the items could be sent to Washington or to Los Angeles. The email further directed that defendant ONG be contacted regarding the shipment.

j. On or about September 17, 2009, defendant ONG sent an email to the UC which stated that defendant RIVERA advised that defendant RIVERA wanted some parts shipped. Defendant ONG further provided a telephone number at which he could be contacted.

k. On or about December 2, 2009, in response to the UC's inquiry about whether the money will be transferred from an account in the United States or from the Philippines, defendant RIVERA sent an email stating that defendant RIVERA would ask defendant ONG to pay for the items.

l. On or about December 3, 2009, defendant RIVERA sent an email to defendant ONG which listed, among other things, the following items ordered along with the total cost for the order, which was \$10,508.75:

- 10 lower receivers;
- 5 Vltor Mur 1A;
- 2 M4-2000 Fast-Attach 5.56mm Silencers;
- 10 Bolt Carrier Group (full auto);

- 10 Trigger Group M4/M16;
- 10 receiver extension tubes;
- 8 Magpul PRS (rifle stocks); and,
- 20 Magpul 30 round magazines.

m. On or about December 14, 2009, defendant RIVERA sent an email to defendant ONG advising that \$16,000 was sent from the Philippines to defendant ONG via a bank account in the state of Washington. The email further stated that \$10,508.75 of the \$16,000.00 was meant for payment of the items to be shipped.

n. On or about December 16, 2009, defendant ONG wire transferred to the UC \$10,508.75 from a bank account in the state of Washington to a bank account in Atlanta, Georgia.

o. On or about December 18, 2009, defendant ONG sent an email to defendant RIVERA, advising that, due to the UC's reluctance to ship the items to the particular address in the United States, the best way to avoid detection would be to ship the items by "balikbayan box," (which is a freight forwarding company). The email also stated that defendant RIVERA should request that the items be shipped with canned goods to make them harder to detect on x-ray. Defendant ONG also stated in the email that U.S. Customs was strict, and that exporting these items carry a strong penalty with the Bureau of Alcohol, Tobacco, Firearms and Explosives (also known as ATF) and United States Customs. Defendant ONG further stated in the email that the shipper would not have to use a real

name because the "balikbayan box" company would not ask for identification.

p. On or about January 15, 2010, defendant ONG emailed defendant RIVERA the name and address of a "balikbayan box" company, located in Atlanta, Georgia. The email further provided directions for packing the box and the cost of shipment.

q. On or about February 14, 2010, defendant RIVERA sent an email to the UC which provided the same information defendant ONG previously sent about the "balikbayan box" company in Atlanta, Georgia, along with defendant ONG's instructions for packing the box and the cost of shipping the package to the Philippines.

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

COUNT TWO

The Grand Jury realleges and incorporates by reference herein Paragraphs 1 through 4 of this Indictment.

Beginning from on or about July 1, 2009, and continuing through on or about February 14, 2010, in the Northern District of Georgia and elsewhere, the defendants, JOHN DENNIS TAN ONG, a.k.a. DENNIS ONG, a.k.a. JOHN TAN ONG, and RONNEL RIVERA, a.k.a. RONNEL CHUA RIVERA, aided and abetted by each other, did knowingly and willfully attempt to export from the United States to the Philippines certain United States defense articles, those being ten (10) Colt M4A1 Lower Receiver Machined, five (5) Vltor MUR-1A Modular Upper Receivers, ten (10) receiver extension tubes for the AR 15/M4 rifle, eight (8) Magpul PRS rifle stock for the AR 15/M4

rifle, twenty (20) Magpul 30 round magazines for the AR 15/M4 rifle, and ten (10) Rock River Arms, Inc. select-fire trigger/fire controls groups (each group consisting of Hammer/Trigger Pins, Trigger Spring, Full Auto Trigger, Full Auto Disconnecter, Disconnecter Spring, Hammer Spring, Full Auto Hammer, Auto Sear Assembly, Auto Sear Pin) which were designated as defense articles 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, in violation of Title 22, United States Code, Sections 2778 (b) (2) and (c); and Title 22, Code of Federal Regulations, Sections 121.1, 123.1, and 127.1; and Title 18, United States Code, Section 2.

COUNT THREE

Beginning on or about December 2, 2009, through on or about February 14, 2010, in the Northern District of Georgia and elsewhere, defendants, JOHN DENNIS TAN ONG, a.k.a. DENNIS ONG, a.k.a. JOHN TAN ONG, and RONNEL RIVERA, a.k.a. RONNEL CHUA RIVERA, with each other and with others known and unknown, did knowingly and willfully combine, conspire, confederate, and agree to commit a violation of the law of the United States of America under Title 18, United States Code, Section 1956(a) (2) (A) as follows:

(a) To transmit and transfer funds, that is, U.S. Currency, from a place outside the United States to a place in the United States with the intent to promote the carrying on of specified unlawful activity, that is, a violation Title 22, United States

Code, Section 2778 (the Arms Export Control Act).

Ways, Manners and Means of the Conspiracy

The purpose of the conspiracy was to transfer and transmit funds from outside the United States to a place inside the United States in order to pay for and to cause the shipment of prohibited items from the United States.

1. It was part of the conspiracy that RIVERA paid the cost of the items to be exported to ONG by transferring and transmitting funds from the Philippines to a bank account in the state of Washington, which was controlled by ONG.

2. It was further part of the conspiracy that, after receiving the funds to be used as payment, ONG agreed to and did transfer and transmit said funds from the same bank account in the state of Washington to a bank account in the Northern District of Georgia. All in violation of Title 18, United States Code, Sections 1956(h).

FORFEITURE PROVISION

Upon conviction of the offenses alleged in Count One or Two of this Indictment, the defendants, JOHN DENNIS TAN ONG, a.k.a. DENNIS ONG, a.k.a. JOHN TAN ONG, and RONNEL RIVERA, a.k.a. RONNEL CHUA RIVERA, shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(c) and Title 28, United States Code, Section 2461, all property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of the said violation, including but not limited to the following:

(a) \$10,500.00 in United States currency.

Additionally, upon conviction of the money laundering offenses alleged in Count Three of this Indictment, in violation of Title 18, United States Code, Section 1956(h), the defendants, JOHN DENNIS TAN ONG, a.k.a. DENNIS ONG, a.k.a. JOHN TAN ONG, and RONNEL RIVERA, a.k.a. RONNEL CHUA RIVERA, shall forfeit to the United States any and all property, real or personal, involved in such offenses and all property traceable to such offenses, pursuant to Title 18, United States Code, Section 982(a)(1), including but not limited to the following:

(a) \$10,500.00 in United States currency.

If, as a result of any act or omission of any defendant, any 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 person;
- 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 without difficulty;

the United States intends, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18 United States

Code, Section 982(b), to seek forfeiture of any other property of said defendant up to the value of the forfeitable property described above.

A True BILL
Angel R. Galdames
FOREPERSON

SALLY QUILLIAN YATES
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