

FILED IN OPEN COURT  
ON 7/10/08  
Dennis P. Laverone, Clerk  
US District Court  
Eastern District of NC

JB

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

NO. 5:08cr197-F(2)

UNITED STATES OF AMERICA )  
 )  
 v. ) INDICTMENT  
 )  
BARRY LEWIS )

The Grand Jury charges:

COUNT ONE

On or about April 25, 2007, within the Eastern District of North Carolina, the defendant, BARRY LEWIS, did in the course of attempting to acquire a firearm from a federally licensed dealer, knowingly make a false and fictitious written statement which was intended, and likely to deceive such dealer as to a material fact relative to the sale of such firearm, that is, the defendant when completing an ATF Form 4473 while attempting to purchase a Romir/Cugir, 7.62 rifle wrote "no" to question 11 f., which inquired whether the defendant had ever been adjudicated mentally defective or committed to a mental institution, whereas in truth and in fact as the defendant well knew, he had been so adjudicated and committed, in violation of the provisions of Title 18, United States Code, Section 922(a)(6).

COUNT TWO

On or about May 1, 2007, within the Eastern District of North Carolina, the defendant, BARRY LEWIS, being a prohibited person, did knowingly possess, in commerce and affecting commerce, a

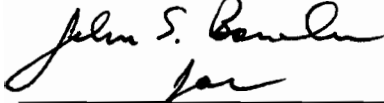
firearm and ammunition, that is, being an individual who had previously been adjudicated mentally defective and committed to a mental institution, did possess a Romir/Cugir, 7.62 rifle and corresponding ammunition, in violation of the provisions of Title 18, United States Code, Section 922(g)(4) and 924.

COUNT THREE

On or about May 2, 2007, within the Eastern District of North Carolina, the defendant, BARRY LEWIS, did in the course of attempting to acquire a firearm from a federally licensed dealer, knowingly make a false and fictitious written statement which was intended, and likely to deceive such dealer as to a material fact relative to the sale of such firearm, that is, the defendant when completing an ATF Form 4473 while attempting to purchase a semi-automatic Remington 1100 shotgun wrote "no" to question 11 f., which inquired whether the defendant had ever been adjudicated mentally defective or committed to a mental institution, whereas in truth and in fact as the defendant well knew, he had been so adjudicated and committed, in violation of the provisions of Title 18, United States Code, Section 922(a)(6).

A TRUE BILL

FRANK D. WHITNEY  
United States Attorney



BY: JAMES A. CANDELMO  
Assistant United States Attorney  
Criminal Division