

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

No.

v.

FRANCISCO ROCHA aka "Mookie,"
"Eric," or "Ese," and
KIRK VALENTINE

Violations: Title 18, United States Code,
Sections 371, 922(a)(1)(A), 922(a)(3), and
2.

COUNT ONE

The SPECIAL JULY 2018 GRAND JURY charges:

1. At all times material to this indictment:
 - a. Defendants FRANCISCO ROCHA and KIRK VALENTINE did not possess a federal firearms dealer's license issued by the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF");
 - b. Federal law required that a firearms dealer engaged in the business of dealing in firearms be licensed by ATF;
 - c. Gander Outdoors was a federal firearms licensee ("FFL") located in Onalaska, Wisconsin that possessed a dealer's license issued by the ATF and offered firearms for sale to the public;
 - d. Warrior Arms LLC and Eisen Arms LLC were FFLs that participated in the Bob and Rocco Gun Show in Wisconsin that each possessed a federal firearms dealer's license issued by the ATF and offered firearms for sale to the public;

- e. Big Rooster LLC was an FFL located in Sparta, Wisconsin that possessed a dealer's license issued by the ATF and offered firearms for sale to the public;
- f. Ace Hardware was an FFL located in La Crosse, Wisconsin that possessed a dealer's license issued by the ATF and offered firearms for sale to the public;
- g. Holmen Pawn Shop was an FFL located in Holmen, Wisconsin that possessed a dealer's license issued by the ATF and offered firearms for sale to the public;
- h. Federal law required that, upon the purchase and transfer of a firearm from an FFL to an individual, the buyer was required to complete ATF Form 4473;
- i. ATF Form 4473 recorded information concerning the transfer of a firearm from an FFL to another individual, including but not limited to the name, age, and place of residence of the buyer, whether the buyer had been convicted of a crime punishable by imprisonment exceeding one year, and a truthful certification that the buyer was the actual buyer of the firearm;
- j. Upon completing ATF Form 4473 in relation to the purchase of a firearm, the buyer of the firearm was required to sign ATF Form 4473 certifying that the information on the form was true and correct;

- k. Individuals known as “straw purchasers” were those who, when purchasing a firearm from an FFL, falsely certified on ATF Form 4473 that they were the actual buyers of firearms, when, in fact, they were buying firearms on behalf of someone else;
- l. Defendant KIRK VALENTINE was a resident of the State of Wisconsin; and
- m. Defendant FRANCISCO ROCHA was a resident of the State of Illinois.

2. Beginning in or about January 2018 and continuing until on or about June 2, 2018, at Chicago, in the Northern District of Illinois and elsewhere,

FRANCISCO ROCHA aka “Mookie,” “Eric,” or “Ese,” and
KIRK VALENTINE,

defendants herein, who were not licensed firearms dealers, manufacturers, importers, or collectors within the meaning of Chapter 44, Title 18, United States Code, did conspire with each other, and others known and unknown to the Grand Jury, to:

- a. willfully engage in the business of dealing in firearms, in violation of Title 18, United States Code, Section 922(a)(1)(A);
- b. knowingly transport into the State of Illinois firearms purchased or otherwise obtained by the defendants outside the State of Illinois, in violation of Title 18, United States Code, Section 922(a)(3); and
- c. knowingly make any false or fictitious oral or written statement, in connection with the acquisition or attempted acquisition of a firearm, intended or likely to deceive a licensed dealer with respect to any fact material to the lawfulness

of a sale or other disposition of a firearm or ammunition, in violation of Title 18, United States Code, Section 922(a)(6).

3. It was part of the conspiracy that ROCHA recruited VALENTINE, to obtain firearms in the State of Wisconsin so that ROCHA and others could dispose of and sell the firearms to individuals residing in the Northern District of Illinois.

4. It was further part of the conspiracy that VALENTINE acted as a “straw purchaser” by purchasing firearms from FFLs in Wisconsin on behalf of ROCHA, but falsely certifying on ATF Form 4473 that VALENTINE was the actual buyer of the firearms.

5. It was further part of the conspiracy that ROCHA identified firearms he wanted to purchase and then gave VALENTINE money to purchase the firearms.

6. It was further part of the conspiracy that from in or around January 2018 until on or about June 2, 2018, defendants purchased at least nineteen firearms in Wisconsin, transported them to the Northern District of Illinois, and transferred them to others.

7. It was further part of the conspiracy that defendants did conceal and hide, and caused to be concealed and hidden, the existence of and acts done in furtherance of the conspiracy.

OVERT ACTS

8. In furtherance of the conspiracy and to accomplish the objectives of the conspiracy, defendants committed one or more overt acts in the Northern District of

Illinois, and elsewhere, which overt acts included but were not limited to the following:

- (a) on or about March 8, 2018, ROCHA went with VALENTINE to Gander Outdoors in Onalaska, Wisconsin, and directed VALENTINE to purchase an LCP Ruger .380 ACP pistol bearing serial number 372096520, an LCP Ruger .380 ACP pistol bearing serial number 371956237, and an LCP Ruger .380 ACP pistol bearing serial number 372096541, from Gander Outdoors for ROCHA;
- (b) on or about March 8, 2018, VALENTINE purchased an LCP Ruger .380 ACP pistol bearing serial number 372096520, an LCP Ruger .380 ACP pistol bearing serial number 371956237, and an LCP Ruger .380 ACP pistol bearing serial number 372096541 for ROCHA, falsely certified on ATF Form 4473 that VALENTINE was the actual purchaser of the firearms, and transferred the LCP Ruger .380 ACP pistol bearing serial number 372096520, the LCP Ruger .380 ACP pistol bearing serial number 371956237, and the LCP Ruger .380 ACP pistol bearing serial number 372096541, to ROCHA knowing ROCHA intended to transport the firearms to Chicago, Illinois;
- (c) on or about March 8, 2018, ROCHA paid VALENTINE the list price, plus an additional fee, for the firearm purchase at Gander Outdoors;
- (d) on or about March 23, 2018, ROCHA went with VALENTINE to Bob and Rocco's Gun Show in Onalaska, Wisconsin and directed VALENTINE, to

purchase a Century Arms Draco 7.62 by 39 caliber pistol bearing serial number RAS47P002299 from Warrior Arms, LLC and a Glock G20 Gen 4, 10 mm pistol bearing serial number BGRY050 from Eisen Arms, LLC from Warrior Arms, LLC and Eisen Arms, LLC for ROCHA;

- (e) on or about March 23, 2018, VALENTINE purchased a Century Arms Draco 7.62 by 39 caliber pistol bearing serial number RAS47P002299 from Warrior Arms, LLC, and a Glock G20 Gen 4, 10 mm pistol bearing serial number BGRY050, from Eisen Arms, LLC at the Bob and Rocco Gun Show in Onalaska, Wisconsin for ROCHA, falsely certified on ATF Form 4473 that VALENTINE was the actual purchaser of the firearms, and transferred the Century Arms Draco 7.62 by 39 caliber pistol bearing serial number RAS47P002299 purchased from Warrior Arms, LLC and the Glock G20 Gen 4, 10 mm pistol bearing serial number BGRY050, from Eisen Arms, LLC to ROCHA knowing ROCHA intended to transport the firearms to Chicago, Illinois;
- (f) on or about March 23, 2018, ROCHA paid VALENTINE the list price, plus an additional fee, for the firearm purchase at the Bob and Rocco Gun Show;
- (g) on or about April 13, 2018, ROCHA went with VALENTINE to Big Rooster in Sparta, Wisconsin and directed VALENTINE to purchase a Taurus PT809 9mm pistol bearing serial number TG059031 from Big Rooster for ROCHA;

- (h) on or about April 13, 2018, VALENTINE purchased a Taurus PT809 9mm pistol bearing serial number TG059031 from Big Rooster for ROCHA, falsely certified on ATF Form 4473 that VALENTINE was the actual purchaser of the firearm, and transferred the Taurus PT809 9 mm pistol bearing serial number TG059031, to ROCHA knowing ROCHA intended to transport the firearm to Chicago, Illinois;
- (i) on or about April 13, 2018, ROCHA paid VALENTINE the list price, plus an additional fee, for the firearm purchase at Big Rooster;
- (j) on or about May 13, 2018, ROCHA went with VALENTINE to Ace Hardware in La Crosse, Wisconsin and directed VALENTINE to purchase a Taurus G2C 9 mm pistol bearing serial number TLM96308, and a Taurus PT709 9 mm pistol bearing serial number TJY50709, from Ace Hardware for ROCHA;
- (k) on or about May 13, 2018, VALENTINE purchased a Taurus G2C 9 mm pistol bearing serial number TLM96308, and a Taurus PT709 9 mm pistol bearing serial number TJY50709, from Ace Hardware for ROCHA, falsely certified on ATF Form 4473 that VALENTINE was the actual purchaser of the firearm, and transferred the Taurus G2C 9 mm pistol bearing serial number TLM96308, and the Taurus PT709 9 mm pistol bearing serial number TJY50709, to ROCHA knowing ROCHA intended to transport the firearms to Chicago, Illinois;

- (l) on or about May 13, 2018, ROCHA paid VALENTINE the list price, plus an additional fee, for the firearm purchase at Ace Hardware;
- (m) on or about May 17, 2018, ROCHA went with VALENTINE to Holmen Pawn Shop in Holmen, Wisconsin and directed VALENTINE to purchase a Glock 92 .380 caliber pistol bearing serial number ACWV128 and a Smith & Wesson BG380CT .380 caliber pistol bearing serial number KEP2273, from Holmen Pawn Shop for ROCHA;
- (n) on or about May 17, 2018, VALENTINE purchased a Glock 92 .380 caliber pistol bearing serial number ACWV128 and a Smith & Wesson BG380CT .380 caliber pistol bearing serial number KEP2273, falsely certified on ATF Form 4473 that VALENTINE was the actual purchaser of the firearm, and transferred the Glock 92 .380 caliber pistol bearing serial number ACWV128 and the Smith & Wesson BG380CT .380 caliber pistol bearing serial number KEP2273, to ROCHA knowing ROCHA intended to transport the firearms to Chicago, Illinois;
- (o) on or about May 17, 2018, ROCHA paid VALENTINE the list price, plus an additional fee, for the firearm purchase at the Holmen Pawn Shop;
- (p) On or about May 17, 2018, VALENTINE and Individual A drove from La Crosse, Wisconsin to Chicago, Illinois;
- (q) On or about May 19, 2018, in or around Chicago, Illinois, ROCHA instructed VALENTINE to pick up Individual B;

- (r) On or about May 19, 2018, VALENTINE drove, ROCHA, Individual A, Individual B, and Individual C from in or around Chicago, Illinois to the Bob and Rocco Gun Show in Union Grove, Wisconsin;
- (s) on or about May 19, 2018, ROCHA and Individual B went with VALENTINE to Bob and Rocco's gun Show in Union Grove, Wisconsin and ROCHA directed VALENTINE to purchase two firearms from Warrior Arms, LLC at the Bob and Rocco Gun Show in Union Grove, Wisconsin for ROCHA and Individual B;
- (t) on or about May 19, 2018, VALENTINE purchased a Master Piece Arms MPA93055T 9 mm pistol bearing serial number FX04856, and a Master Piece Arms MPA93055T 9 mm pistol bearing serial number FX04866, from Warrior Arms, LLC at the Bob and Rocco Gun Show for ROCHA and Individual B, falsely certified on ATF Form 4473 that VALENTINE was the actual purchaser of the firearms, and transferred the firearms to ROCHA and Individual B, knowing ROCHA and Individual B intended to transport the firearms to Chicago, Illinois;
- (u) on or about May 19, 2018, ROCHA and Individual B directed VALENTINE to purchase seven firearms from Eisen Arms, LLC at the Bob and Rocco Gun Show in Union Grove, Wisconsin for ROCHA and Individual B;
- (v) on or about May 19, 2018, VALENTINE purchased a Smith and Wesson BG380, .380 caliber pistol bearing serial number KFB0458, a Glock G29G4, 10 mm pistol bearing serial number BDWR359, a Glock G20G4, 10 mm

pistol bearing serial number BHEH168, a EAA Windicator, .357 caliber revolver bearing serial number 173625, a Springfield XDE, 9 mm pistol bearing serial number HE916618, a Glock G23 FDE, .40 caliber pistol bearing serial number BBAV537, and a Taurus G2C, 9 mm pistol bearing serial number TLN54605 from Eisen Arms, LLC at the Bob and Rocco Gun Show in Union Grove, Wisconsin for ROCHA and Individual B and falsely certified on ATF Form 4473 that VALENTINE was the actual purchaser of the firearms;

(w) on or about May 19, 2018, VALENTINE transferred the Master Piece Arms MPA93055T 9 mm pistol bearing serial number FX04856, the Master Piece Arms MPA93055T 9 mm pistol bearing serial number FX04866, the Smith and Wesson BG380, .380 caliber pistol bearing serial number KFB0458, the Glock G29G4, 10 mm pistol bearing serial number BDWR359, the Glock G20G4, 10 mm pistol bearing serial number BHEH168, the EAA Windicator, .357 caliber revolver bearing serial number 173625, the Springfield XDE, 9 mm pistol bearing serial number HE916618, the Glock G23 FDE, .40 caliber pistol bearing serial number BBAV537, and the Taurus G2C, 9 mm pistol bearing serial number TLN54605, to ROCHA and Individual B knowing ROCHA and Individual B intended to transport the firearms to Chicago, Illinois;

(x) on or about May 19, 2018, ROCHA and Individual B paid VALENTINE the list price, plus an additional fee, for the firearm purchase at the Bob and Rocco Gun Show;

(y) on or about May 19, 2018, VALENTINE, ROCHA, Individual A, Individual B, and Individual C drove from Union Grove, Wisconsin to Chicago, Illinois with the firearms acquired in Wisconsin;

(z) on or about May 19, 2018, ROCHA and Individual B transferred certain of the firearms acquired in Wisconsin to others while in the State of Illinois.

In violation of Title 18, United States Code, Section 371.

COUNT TWO

The SPECIAL JULY 2018 GRAND JURY further charges:

Beginning in or about January 2018 and continuing to on or about June 2, 2018, at Chicago, in the Northern District of Illinois and elsewhere,

FRANCISCO ROCHA aka "Mookie," "Eric," or "Ese," and
KIRK VALENTINE,

defendants herein, not being licensed dealers within the meaning of Chapter 44, Title 18, United States Code, did willfully engage in the business of dealing in firearms;

In violation of Title 18, United States Code, Section 922(a)(1)(A) and 2.

COUNT THREE

The SPECIAL JULY 2018 GRAND JURY further charges:

On or about May 19, 2018, at Chicago, in the Northern District of Illinois and elsewhere,

FRANCISCO ROCHA aka "Mookie," "Eric," or "Ese,"

defendant herein, not being a licensed importer, manufacturer, dealer, or collector of firearms, within the meaning of Chapter 44, Title 18, United States Code, willfully did transport into the State of Illinois, where he resided, a firearm, namely, a Master Piece Arms MPA93055T 9 mm pistol bearing serial number FX04856, a Master Piece Arms MPA93055T 9 mm pistol bearing serial number FX04866, a Smith and Wesson BG380, .380 caliber pistol bearing serial number KFB0458, a Glock G29G4, 10 mm pistol bearing serial number BDWR359, a Glock G20G4, 10 mm pistol bearing serial number BHEH168, a EAA Windicator, .357 caliber revolver bearing serial number 173625, a Springfield XDE, 9 mm pistol bearing serial number HE916618, a Glock G23 FDE, .40 caliber pistol bearing serial number BBAV537, and a Taurus G2C, 9 mm pistol bearing serial number TLN54605, said firearm having been purchased and obtained by the defendant outside of the State of Illinois;

In violation of Title 18, United States Code, Section 922(a)(3) and 2.

A TRUE BILL:

FOREPERSON

UNITED STATES ATTORNEY