

1 Presented to the Court by the foreman of the
2 Grand Jury in open Court, in the presence of
3 the Grand Jury and FILED in the U.S.
4 DISTRICT COURT at Seattle, Washington.

5 APRIL 28 20 11
6 WILLIAM M. MCCOOL, Clerk
7 By [Signature] Deputy

8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 UNITED STATES OF AMERICA,

CR 11 5235 BHS
CASE NO.

12 Plaintiff,

INDICTMENT

13 v.

14 DAVID DEVENNY,

Defendant.

15 The grand jury charges that:

16 **COUNT 1**
17 **(Unlawful Dealing in Firearms)**

18 1. Beginning at a time unknown, but within the last five years, and continuing
19 until on or about November 15, 2010, within the Western District of Washington, and
20 elsewhere, DAVID DEVENNY did willfully engage in the business of dealing firearms
21 without a license.

22 **Object of the Offense**

23 2. The object of the offense was to purchase and resell firearms for a profit,
24 while avoiding the record keeping, reporting, and other requirements imposed on a
25 Federal Firearms Licencee.
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1 **Manner and Means in the Commission of the Offense**

2 At all times material to this Indictment, DAVID DEVENNY used the following
3 manner and means to commit this offense.

4 3. DAVID DEVENNY would engage in the business of dealing firearms, that
5 is, he purchased, received, transported, sold, and delivered numerous firearms, without
6 being properly licensed to do so.

7 4. The primary locations at which the Defendant unlawfully engaged in the
8 business of dealing firearms were various guns shows within the Western District of
9 Washington, where he displayed, advertised, and sold firearms from his inventory. He
10 purchased approximately 60 handguns from various FFL's from September 2006 to
11 March 2010, with the majority being purchased from January 2009 to March 2010.

12 5. DAVID DEVENNY would also sell firearms to others from his home in
13 Olympia, Washington.

14 6. The Defendant engaged in the business of dealing firearms without
15 complying with the requirements imposed on FFLs. For example, the Defendant did not
16 have purchasers fill out ATF form 4473, which allows law enforcement agencies to trace
17 the ownership of a particular firearm.

18 **Acts During the Commission of the Offense**

19 At all times material to this Indictment, DAVID DEVENNY committed the
20 following acts, among others, during the commission of this offense.

21 7. On or about October 17, 2009, DAVID DEVENNY attended a gun show in
22 Centralia, Washington, where he displayed multiple handguns and rifles for sale. While
23 at the gun show, DEVENNY sold a Taurus .44 caliber handgun for \$395.00 to an
24 undercover agent from the Bureau of Alcohol, Tobacco and Firearms (ATF).

25 8. On or about October 24, 2009, DAVID DEVENNY attended a gun show in
26 Puyallup, Washington, where he displayed numerous handguns and rifles for sale. While
27 at this gun show, DEVENNY sold a FEG .45 caliber handgun for \$450.00 to a
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1 undercover ATF agent. Later at this same gun show, DEVENNY sold a Ruger .357
2 revolver for \$475.00 to a undercover ATF agent.

3 9. On or about November 14, 2009, DAVID DEVENNY attended a gun show
4 in Puyallup, Washington, where he displayed multiple firearms for sale. While at the gun
5 show, DEVENNY sold a Star 9 mm handgun for \$350.00 to an undercover ATF agent.

6 10. On or about December 5, 2009, DAVID DEVENNY attended a gun show
7 in Centralia, Washington, where he displayed multiple firearms for sale. While at the gun
8 show, DEVENNY sold a Taurus .38 caliber handgun for \$415.00 to an undercover ATF
9 agent.

10 11. On or about January 22, 2010, DAVID DEVENNY, at his residence in
11 Olympia, Washington, sold one Taurus Judge .45/.410 caliber revolver and one Sig Sauer
12 .45 caliber pistol for a total of \$1,175.00 to an undercover ATF agent.

13 12. On or about February 5, 2010, DAVID DEVENNY, at his residence in
14 Olympia, Washington, sold one Glock .40 caliber pistol for \$475.00 and a Norinco,
15 model SKS rifle for \$400.00 to a prohibited individual.

16 13. On February 5, 2010, DAVID DEVENNY, at his residence in Olympia,
17 Washington, sold one Glock .40 caliber pistol for \$475.00 to an undercover ATF agent.

18 14. On or about November 15, 2010, DAVID DEVENNY, at his residence in
19 Olympia, Washington, sold one Wilkerson 9mm pistol and a Llama 9mm pistol to a
20 prohibited individual for a total \$850.00. DEVENNY also sold a High Standard Revolver
21 for \$310.00 to an ATF Undercover Agent.

22 All in violation of Title 18, United States Code, Sections 922(a)(1)(A).
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1 it is the intent of the United States, pursuant to Title 21, United States Code,
2 Section 853(p), to seek the forfeiture of any other property of the Defendants up to the
3 value of the above-described forfeitable properties.
4

5 A TRUE BILL:

6 DATED:

7 Signature of Foreperson redacted pursuant
8 to the policy of the Judicial Conference of
9 the United States.

10 FOREPERSON

11 

12
13 JENNY A. DURKAN
United States Attorney

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15 

16 TODD GREENBERG
Assistant United States Attorney

17
18 

19 BRUCE MIYAKE
20 NICHOLAS W. BROWN
Assistant United States Attorneys