

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

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UNITED STATES OF AMERICA)
)
 v.)
)
)
)
 DONALD HENDERSON, a/k/a)
 "DONNY") 18 U.S.C. §§ 922(a)(6); 924(a)(2)
)

SUBSTITUTE INFORMATION

The United States Attorney charges:

COUNT ONE

(False Statements to Federal Firearms Licensee)

On about February 28, 2017, in the District of Maine, the defendant

DONALD HENDERSON, a/k/a "DONNY"

in connection with the acquisition of one firearm, to wit, a Smith & Wesson, model M+P Bodyguard 380, .380 caliber pistol with serial number KEM6903, from Audette's Inc., a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, knowingly made false and fictitious written statements to Audette's Inc., which statements were intended and likely to deceive Audette's Inc., as to a fact material to the lawfulness of the sale of the firearm to the defendant under chapter 44 of Title 18. Question 11a of ATF Form 4473 asks, "[a]re you the actual transferee/buyer of the firearm(s) listed on this form?" Question 11a states that an individual is "not the actual transferee/buyer if [the individual is] acquiring the firearm(s) on behalf of another person." Henderson checked the "yes" box on the form in response to question 11a. However, Henderson was not the actual buyer of the firearm. Question 11e of ATF Form 4473 asks whether the individual purchasing the firearm is an unlawful user of, or addicted to, marijuana or other controlled substance. The defendant checked the box for "no."

However, at the time of the purchase, the defendant was an unlawful user of marijuana, a schedule I controlled substance.

All in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

COUNT TWO

(False Statements to Federal Firearms Licensee)

On about March 2, 2017, in the District of Maine, the defendant

DONALD HENDERSON, a/k/a "DONNY"

in connection with the acquisition of one firearm, to wit, a SCCY, model CPX-1, 9 mm pistol with serial number 343866, from Audette's Inc., a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, knowingly made false and fictitious written statements to Audette's Inc., which statements were intended and likely to deceive Audette's Inc., as to a fact material to the lawfulness of the sale of the firearm to the defendant under chapter 44 of Title 18. Question 11a of ATF Form 4473 asks, "[a]re you the actual transferee/buyer of the firearm(s) listed on this form?" Question 11a states that an individual is "not the actual transferee/buyer if [the individual is] acquiring the firearm(s) on behalf of another person." Henderson checked the "yes" box on the form in response to question 11a. However, Henderson was not the actual buyer of the firearm. Question 11e of ATF Form 4473 asks whether the individual purchasing the firearm is an unlawful user of, or addicted to, marijuana or other controlled substance. The defendant checked the box for "no." However, at the time of the purchase, the defendant was an unlawful user of marijuana, a schedule I controlled substance.

All in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

Date: 9/14/18


Joel B. Casey
Assistant United States Attorney

UNITED STATES DISTRICT COURT

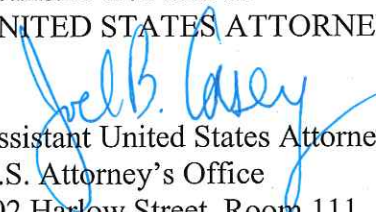
DISTRICT OF MAINE

CERTIFICATE OF SERVICE

I hereby certify that on September 14, 2018, I filed the Substitute Information with the Clerk of Court manually and mailing a copy of the same to:

James Nixon, Esq.

HALSEY B. FRANK
UNITED STATES ATTORNEY



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