

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

IN THE UNITED STATES DISTRICT COURT

MAR 26 2024

FOR THE DISTRICT OF NEW MEXICO

MITCHELL R. ELFERS
CLERK

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 ADIN KELLNER,)
)
 Defendant.)

CRIMINAL NO. 24-367 JCH
Counts 1-11: 18 U.S.C. §§ 922(a)(6) and
924: False Statement During Purchase of
a Firearm.

INDICTMENT

The Grand Jury charges:

Count 1

On or about October 8, 2019, in Bernalillo County, in the District of New Mexico, the defendant, **ADIN KELLNER**, in connection with the acquisition of a firearm, a Glock 26 GEN 4 9mm caliber pistol bearing S/N BKWS514, from Sportsman's Warehouse in Albuquerque, New Mexico, a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious statement to Sportsman's Warehouse, which was intended and likely to deceive Sportsman's Warehouse as to a fact material to the lawfulness of such sale of the firearm, in that the defendant executed a Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives Form 4473, Firearms Transaction Record, to the effect that the defendant was the actual buyer of the firearm indicated on the Form 4473, when in fact he was acquiring the firearm on behalf of another.

In violation of 18 U.S.C. §§ 922(a)(6) and 924.

Count 2

On or about October 17, 2019, in Bernalillo County, in the District of New Mexico, the defendant, **ADIN KELLNER**, in connection with the acquisition of a firearm, a Glock 23GEN4 .40 S&W pistol .40 caliber pistol bearing S/N BLFE919, from Cabela's in Albuquerque, New Mexico, a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious statement to Cabela's, which was intended and likely to deceive Cabela's as to a fact material to the lawfulness of such sale of the firearm, in that the defendant executed a Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives Form 4473, Firearms Transaction Record, to the effect that the defendant was the actual buyer of the firearm indicated on the Form 4473, when in fact he was acquiring the firearm on behalf of another.

In violation of 18 U.S.C. §§ 922(a)(6) and 924.

Count 3

On or about December 20, 2019, in Bernalillo County, in the District of New Mexico, the defendant, **ADIN KELLNER**, in connection with the acquisition of a firearm, a ATI Omni Hybrid Multi Caliber pistol bearing S/N NS233245, from BMC Tactical in Albuquerque, New Mexico, a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious statement to BMC Tactical, which was intended and likely to deceive BMC Tactical as to a fact material to the lawfulness of such sale of the firearm, in that the defendant executed a Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives Form 4473, Firearms Transaction Record, to the effect that the defendant was the actual buyer of the firearm indicated on the Form 4473, when in fact he was acquiring the firearm on behalf of another.

In violation of 18 U.S.C. §§ 922(a)(6) and 924.

Count 4

On or about March 16, 2020, in Bernalillo County, in the District of New Mexico, the defendant, **ADIN KELLNER**, in connection with the acquisition of a firearm, a Glock 43 9mm caliber pistol bearing S/N BKSS262, from Ponderosa Firearms in Albuquerque, New Mexico, a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious statement to Ponderosa Firearms, which was intended and likely to deceive Ponderosa Firearms as to a fact material to the lawfulness of such sale of the firearm, in that the defendant executed a Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives Form 4473, Firearms Transaction Record, to the effect that the defendant was the actual buyer of the firearm indicated on the Form 4473, when in fact he was acquiring the firearm on behalf of another.

In violation of 18 U.S.C. §§ 922(a)(6) and 924.

Count 5

On or about June 11, 2020, in Bernalillo County, in the District of New Mexico, the defendant, **ADIN KELLNER**, in connection with the acquisition of a firearm, a FN Five-Seven 5.7x28 pistol bearing S/N 386392995, from Ponderosa Firearms in Albuquerque, New Mexico, a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious statement to Ponderosa Firearms, which was intended and likely to deceive Ponderosa Firearms as to a fact material to the lawfulness of such sale of the firearm, in that the defendant executed a Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives Form 4473, Firearms Transaction Record, to the effect that the

defendant was the actual buyer of the firearm indicated on the Form 4473, when in fact he was acquiring the firearm on behalf of another.

In violation of 18 U.S.C. §§ 922(a)(6) and 924.

Count 6

On or about June 11, 2020, in Bernalillo County, in the District of New Mexico, the defendant, **ADIN KELLNER**, in connection with the acquisition of a firearm, a FN Five-Seven 5.7x28 pistol bearing S/N 386392982, from Ponderosa Firearms in Albuquerque, New Mexico, a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious statement to Ponderosa Firearms, which was intended and likely to deceive Ponderosa Firearms as to a fact material to the lawfulness of such sale of the firearm, in that the defendant executed a Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives Form 4473, Firearms Transaction Record, to the effect that the defendant was the actual buyer of the firearm indicated on the Form 4473, when in fact he was acquiring the firearm on behalf of another.

In violation of 18 U.S.C. §§ 922(a)(6) and 924.

Count 7

On or about November 19, 2020, in Bernalillo County, in the District of New Mexico, the defendant, **ADIN KELLNER**, in connection with the acquisition of a firearm, a CUGIR/Century Arms Micro Draco 7.62x39 pistol bearing S/N PMD-15655-19R0, from Omni Firearms in Albuquerque, New Mexico, a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious statement to Omni Firearms, which was intended and likely to deceive Omni Firearms as to a fact material to the lawfulness of such sale of the firearm, in that the defendant executed a Department of Justice, Bureau of

Alcohol, Tobacco, Firearms, and Explosives Form 4473, Firearms Transaction Record, to the effect that the defendant was the actual buyer of the firearm indicated on the Form 4473, when in fact he was acquiring the firearm on behalf of another.

In violation of 18 U.S.C. §§ 922(a)(6) and 924.

Count 8

On or about November 27, 2020, in Bernalillo County, in the District of New Mexico, the defendant, **ADIN KELLNER**, in connection with the acquisition of a firearm, a Glock 30GEN4 .45 ACP pistol bearing S/N BRGY817, from Omni Firearms in Albuquerque, New Mexico, a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious statement to Omni Firearms, which was intended and likely to deceive Omni Firearms as to a fact material to the lawfulness of such sale of the firearm, in that the defendant executed a Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives Form 4473, Firearms Transaction Record, to the effect that the defendant was the actual buyer of the firearm indicated on the Form 4473, when in fact he was acquiring the firearm on behalf of another.

In violation of 18 U.S.C. §§ 922(a)(6) and 924.

Count 9

On or about December 19, 2020, in Bernalillo County, in the District of New Mexico, the defendant, **ADIN KELLNER**, in connection with the acquisition of a firearm, a Glock 19X 9mm pistol bearing S/N BRRL624, from Omni Firearms in Albuquerque, New Mexico, a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious statement to Omni Firearms, which was intended and likely to deceive Omni Firearms as to a fact material to the lawfulness of such sale of the

firearm, in that the defendant executed a Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives Form 4473, Firearms Transaction Record, to the effect that the defendant was the actual buyer of the firearm indicated on the Form 4473, when in fact he was acquiring the firearm on behalf of another.

In violation of 18 U.S.C. §§ 922(a)(6) and 924.

Count 10

On or about December 26, 2020, in Bernalillo County, in the District of New Mexico, the defendant, **ADIN KELLNER**, in connection with the acquisition of a firearm, a CZ Scorpion Evo 9mm caliber pistol bearing S/N E049277, from BMC Tactical in Albuquerque, New Mexico, a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious statement to BMC Tactical, which was intended and likely to deceive BMC Tactical as to a fact material to the lawfulness of such sale of the firearm, in that the defendant executed a Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives Form 4473, Firearms Transaction Record, to the effect that the defendant was the actual buyer of the firearm indicated on the Form 4473, when in fact he was acquiring the firearm on behalf of another.

In violation of 18 U.S.C. §§ 922(a)(6) and 924.

Count 11

On or about February 24, 2023, in Bernalillo County, in the District of New Mexico, the defendant, **ADIN KELLNER**, in connection with the acquisition of a firearm a Taurus GX4 9mm caliber pistol bearing S/N 1GA29413, from BMC Tactical in Albuquerque, New Mexico, a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious statement to BMC Tactical, which was intended and likely

to deceive BMC Tactical as to a fact material to the lawfulness of such sale of the firearm, in that the defendant executed a Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives Form 4473, Firearms Transaction Record, to the effect that the defendant was the actual buyer of the firearm indicated on the Form 4473, when in fact he was acquiring the firearm on behalf of another.

In violation of 18 U.S.C. §§ 922(a)(6) and 924.

FORFEITURE ALLEGATION

Upon conviction of any offense in violation of 18 U.S.C. §§ 922(a)(6), the defendant, **ADIN KELLNER**, shall forfeit to the United States, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), any firearms and ammunition involved in the commission of the offense(s), including, but not limited to:

- a. Glock 26 GEN 4 9mm caliber pistol bearing S/N BKWS514;
- b. Glock 23GEN4 .40 S&W pistol .40 caliber pistol bearing S/N BLFE919;
- c. ATI Omni Hybrid Multi Caliber pistol bearing S/N NS233245;
- d. Glock 43 9mm caliber pistol bearing S/N BKSS262;
- e. FN Five-Seven 5.7x28 pistol bearing S/N 386392995;
- f. FN Five-Seven 5.7x28 pistol bearing S/N 386392982;
- g. CUGIR/Century Arms Micro Draco 7.62x39 pistol bearing S/N PMD-15655-19R0;
- h. Glock 30GEN4 .45 ACP pistol bearing S/N BRGY817;
- i. Glock 19X 9mm pistol bearing S/N BRRL624;
- j. CZ Scorpion Evo 9mm caliber pistol bearing S/N E049277; and
- k. Taurus GX4 9mm caliber pistol bearing S/N 1GA29413.

A TRUE BILL:



Assistant United States Attorney

JSI
FOREPERSON OF THE GRAND JURY