

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

September 6, 2023
By [Signature] Deputy
Navi Subramanian, Clerk

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOAO RICARDO DEBORBA,

Defendant.

NO. CR22-5139-DGE

SUPERSEDING INDICTMENT

COUNT 1

(Unlawful Possession of Firearms and Ammunition)

On or about May 6, 2022, in Clark County, within the Western District of Washington, JOAO RICARDO DEBORBA, knowing he was an alien illegally and unlawfully in the United States and admitted to the United States under a nonimmigrant visa, and subject to a court order meeting the requirements of Title 18, United States Code, Section 922(g)(8)(A)-(C), that is, the Domestic Violence No Contact Order issued on or about October 14, 2020, in the Superior Court of the State of Washington, County of Clark, case number 2020-1-01294-06, and the Domestic Violence No Contact Order issued on or about January 31, 2022, in the Superior Court of the State of Washington, County of Clark, case number 2021-1-01539-06, did knowingly possess, in and affecting

1 interstate and foreign commerce, firearms and ammunition: a Ruger model LCP 9mm
2 caliber handgun and numerous rounds of ammunition including Aguila .300 AAC
3 blackout and Blazer Brass .380 auto, which had been shipped and transported in interstate
4 and foreign commerce.

5 All in violation of Title 18, United States Code, Sections 922(g)(5) and (8).

6 **COUNT 2**

7 **(Unlawful Possession of Firearms and Ammunition)**

8 On or about November 16, 2019, in Clark County, within the Western District of
9 Washington, JOAO RICARDO DEBORBA, knowing he was an alien illegally and
10 unlawfully in the United States and admitted to the United States under a nonimmigrant
11 visa, and subject to a court order meeting the requirements of Title 18, United States
12 Code, Section 922(g)(8)(A)-(C), that is, the Domestic Violence No Contact Order issued
13 on or about November 14, 2019, in the District Court of the State of Washington, County
14 of Clark, case number 9Z1074494, did knowingly possess, in and affecting interstate and
15 foreign commerce, firearms and ammunition:

- 16 a Savage Arms model M11 .308 caliber rifle;
- 17 a Sig Sauer model 1911 STX .45 auto caliber handgun;
- 18 a KelTec model Sub-2000 .40 caliber rifle;
- 19 a Century Arms model RAS47 7.62 caliber rifle;
- 20 a Rock Island Armory model M200 .38 special caliber handgun;
- 21 a Tanfoglio model GT27 .25 ACP caliber handgun;
- 22 a Sig Sauer model P226 9mm caliber handgun;
- 23 a KelTec model P-32 .32 ACP caliber handgun;
- 24 a Taurus.357 magnum caliber handgun;
- 25 a Rock Island Armory model M1911 .380 caliber handgun;
- 26 a Ruger model Precision .17 HMR caliber rifle;
- 27 a Bear Creek Arsenal model BCA15 rifle;

1 a Savage Arms model 110 .338 caliber rifle;
2 a Fabrique Nationale Herstal model 1952 rifle;
3 a .308 caliber 1917 Enfield rifle;
4 a Deutsche Waffen model 1908 7mm caliber rifle;
5 a Remington model 870 12-gauge shotgun;
6 a Spike's Tactical model ST15 5.56mm caliber rifle;
7 a Winchester model 94 .30-30 caliber rifle,
8 20 rounds of CBC 9mm caliber ammunition; and
9 7 rounds of Blazer Brass .380 caliber ammunition.

10 All in violation of Title 18, United States Code, Sections 922(g)(5) and (8).

11 **COUNT 3**

12 **(Unlawful Possession of a Firearm)**

13 On or about April 14, 2019, in Clark County, within the Western District of
14 Washington, JOAO RICARDO DEBORBA, knowing he was an alien illegally and
15 unlawfully in the United States and admitted to the United States under a nonimmigrant
16 visa, did knowingly possess, in and affecting interstate and foreign commerce, a firearm:
17 a Glock model 26 9mm caliber handgun, that had been shipped or transported in
18 interstate and foreign commerce.

19 All in violation of Title 18, United States Code, Section 922(g)(5).

20 **COUNT 4**

21 **(False Statement During Purchase of Firearm)**

22 On or about May 8, 2019, in Clark County, within the Western District of
23 Washington, JOAO RICARDO DEBORBA, in connection with the acquisition of a
24 firearm from a licensed dealer of firearms, that is, the acquisition of a Rock Island
25 Armory model M200 .38 special caliber handgun, from Brass Tacks Munitions in
26 Vancouver, Washington, knowingly made false and fictitious written statements, which
27 statements were intended to and likely to deceive such dealer with respect to a fact

1 material to the lawfulness of the sale the firearm under Chapter 44 of Title 18, United
2 States Code, in that defendant executed and submitted to the licensed dealer a Bureau of
3 Alcohol, Tobacco, Firearms and Explosives Form 4473 Firearms Transaction Record, in
4 which defendant falsely represented himself to be a citizen of the United States of
5 America, and falsely represented himself not to be an alien illegally or unlawfully in the
6 United States, and falsely represented himself not to be an alien who has been admitted to
7 the United States under a nonimmigrant visa.

8 All in violation of Title 18, United States Code, Section 922(a)(6).

9 **COUNT 5**

10 **(False Statement During Purchase of Firearm)**

11 On or about April 4, 2019, in Clark County, within the Western District of
12 Washington, JOAO RICARDO DEBORBA, in connection with the acquisition of a
13 firearm from a licensed dealer of firearms, that is, the acquisition of Sig Sauer
14 model 1911 STX .45 auto caliber handgun, from a Cabela's store in Lacey, Washington,
15 knowingly made false and fictitious written statements, which statements were intended
16 to and likely to deceive such dealer with respect to a fact material to the lawfulness of the
17 sale the firearm under Chapter 44 of Title 18, United States Code, in that defendant
18 executed and submitted to the licensed dealer a Bureau of Alcohol, Tobacco, Firearms
19 and Explosives Form 4473 Firearms Transaction Record, in which defendant falsely
20 represented himself to be a citizen of the United States of America, and falsely
21 represented himself not to be an alien illegally or unlawfully in the United States, and
22 falsely represented himself not to be an alien who has been admitted to the United States
23 under a nonimmigrant visa.

24 All in violation of Title 18, United States Code, Section 922(a)(6).
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COUNT 6

(False Claim to United States Citizenship)

On or about February 25, 2019, within the Western District of Washington, JOAO RICARDO DEBORBA, a citizen of Brazil and therefore an alien in the United States, falsely and willfully represented himself to be a citizen of the United States in a Concealed Pistol License Application to the Washington State Department of Licensing, an entity having good reason to inquire into defendant’s citizenship.

All in violation of Title 18, United States Code, Section 911.

COUNT 7

(Unlawful Possession of a Firearm Silencer)

On or about May 6, 2022, in Clark County, within the Western District of Washington, JOAO RICARDO DEBORBA knowingly possessed a firearm silencer, that is, a cylindrical device bearing no manufacturer markings and no serial number, that was not registered to him in the National Firearms Registration and Transfer Record.

All in violation of Title 26, United States Code, Sections 5861(d) and 5845(a)(7).

FORFEITURE ALLEGATIONS

The allegations contained in Counts 1 through 7 of this Superseding Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture.

Upon conviction of the offenses alleged in Counts 1 through 3, JOAO RICARDO DEBORBA shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d)(1), by way of Title 28, United States Code, Section 2461(c), any firearms and ammunition that were involved in that offense, including but not limited to the following firearms and ammunition seized from Defendant’s residence on or about May 6, 2022, including:

- a. a Ruger model LCP 9mm caliber handgun;

b. numerous rounds of ammunition including Aguila .300 AAC blackout and Blazer Brass .380 auto.

Upon conviction of the offense alleged in Count 7, JOAO RICARDO DEBORBA shall forfeit to the United States, pursuant to Title 26, United States Code, Section 5872, by way of Title 28, United States Code, Section 2461(c), any firearms involved in the commission of the offense, including but not limited to, a firearm silencer, seized from Defendant's residence on or about May 6, 2022.

Substitute Assets. If any of the above-described forfeitable property, as a result of any act or omission of the defendants,

- 1. cannot be located upon the exercise of due diligence;
- 2. has been transferred or sold to, or deposited with a third party;
- 3. has been placed beyond the jurisdiction of the Court;
- 4. has been substantially diminished in value; or,
- 5. has been commingled with other property which cannot be divided without difficulty;

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1 it is the intent of the United States to seek the forfeiture of any other property of the
2 defendant, up to the value of the above-described forfeitable property, pursuant to
3 Title 21, United States Code, Section 853(p).

5 A TRUE BILL: *yes*

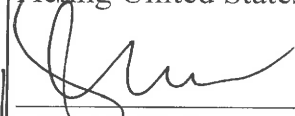
6 DATED: *September 4, 2023*

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

10 _____
11 FOREPERSON

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11 _____
12 NESSA M. GORMAN
13 Acting United States Attorney

13 

14 _____
15 VINCENT T. LOMBARDI
16 Assistant United States Attorney

16 

17 _____
18 MAX B. SHINER
19 Assistant United States Attorney