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CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
RIVERSIDE

BY: \_\_\_\_\_

UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA  
September 2013 Grand Jury

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
CURTIS HAYS and  
DENNIS DELL WHITE, JR.,  
  
Defendants.

ED CR No. 13-44(A)-VAP

F I R S T  
S U P E R S E D I N G  
I N D I C T M E N T

[18 U.S.C. § 371: Conspiracy; 18 U.S.C. § 924(1): Theft of Firearms in Interstate and Foreign Commerce; 18 U.S.C. §§ 922(j), 924(a)(2): Receipt and Possession of Stolen Firearms in Interstate and Foreign Commerce; 18 U.S.C. § 659: Theft, Receipt, and Possession of Interstate and Foreign Shipment; 18 U.S.C. § 922(g)(1): Felon in Possession of Firearms and Ammunition]

The Grand Jury charges:

INTRODUCTORY ALLEGATIONS

At all times relevant to this First Superseding Indictment:

1. United Parcel Service of North America, Inc. ("UPS") was an international and interstate package shipping and logistics company headquartered in Atlanta, Georgia. UPS had a package delivery hub in Ontario, California, in San Bernardino County, within the Central District of California (the "UPS facility"). To effectuate

1 deliveries to local residences and businesses, UPS delivery trucks  
2 were loaded and dispatched from the UPS facility on a daily basis.

3 2. Among the packages delivered from the UPS facility were  
4 packages containing firearms bound for Turner's Outdoorsman, a  
5 firearms retailer in Rancho Cucamonga, California.

6 3. Defendant CURTIS HAYS ("HAYS") was employed as a delivery  
7 driver for UPS.

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COUNT ONE

[18 U.S.C. § 371]

4. The Grand Jury hereby re-alleges and incorporates by reference the allegations contained in paragraphs 1 through 3 of this First Superseding Indictment.

A. OBJECTS OF THE CONSPIRACY

5. Beginning on a date unknown, and continuing through at least December 20, 2012, in San Bernardino County, within the Central District of California, and elsewhere, defendants CURTIS HAYS ("HAYS") and DENNIS DELL WHITE, JR. ("WHITE"), together with P.C., L.C., and others known and unknown to the Grand Jury, knowingly combined, conspired, and agreed to knowingly and intentionally commit the following offenses against the United States:

- a. Theft of firearms which have moved in interstate and foreign commerce, in violation of Title 18, United States Code, Section 924(1);
- b. Receipt and possession of stolen firearms which have moved in interstate and foreign commerce, in violation of Title 18, United States Code, Sections 922(j) and 924(a)(2); and
- c. Theft of interstate and foreign shipment, in violation of Title 18, United States Code, Section 659.

B. MANNER AND MEANS OF THE CONSPIRACY

6. The objects of the conspiracy were carried out, and to be carried out, in substance, as follows:  
a. Defendant HAYS would use his position as a delivery driver for UPS to steal packages containing firearms and other goods in UPS's possession while such firearms and goods were in transit to

1 their final destination. The firearms defendant HAYS stole were  
2 bound for Turner's Outdoorsman in Rancho Cucamonga, California.

3 b. Defendants HAYS and WHITE would meet in Rancho  
4 Cucamonga, California, at which meeting defendant HAYS would give the  
5 stolen firearms or other goods to defendant WHITE.

6 c. After defendant WHITE received the stolen firearms or  
7 other goods from defendant HAYS, defendant WHITE would distribute,  
8 sell, and otherwise dispose of such firearms and other goods.  
9 Defendant WHITE would distribute some of the firearms to P.C. and  
10 L.C.

11 d. P.C. would sell or otherwise transfer the stolen  
12 firearms he received from defendant WHITE.

13 C. OVERT ACTS

14 7. In furtherance of the conspiracy, and to accomplish its  
15 objects, defendants HAYS and WHITE, and co-conspirators P.C. and  
16 L.C., together with others known and unknown to the Grand Jury,  
17 committed and willfully caused others to commit the following overt  
18 acts, among others, in the Central District of California, and  
19 elsewhere:

20 Overt Act No. 1: On or about February 28, 2011, defendant WHITE  
21 engaged in a text message conversation with L.C., in which defendant  
22 WHITE and L.C. discussed defendant WHITE's possession of a firearm  
23 stolen by defendant HAYS from the UPS facility.

24 Overt Act No. 2: On or about May 8, 2012, defendant HAYS stole a  
25 package from the UPS facility that contained jewelry, addressed to  
26 Costco Wholesale, 11800 4<sup>th</sup> Street, Rancho Cucamonga, California  
27 91730, and subsequently provided the package to defendant WHITE.  
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1           Overt Act No. 3: On or about May 22, 2012, defendant HAYS stole  
2 a package addressed to Turner's Outdoorsman, 11738 San Marino Drive,  
3 Rancho Cucamonga, California 91730, from the UPS facility which  
4 contained five ISSC MK22 .22 caliber rifles.

5           Overt Act No. 4: On or about May 22, 2012, defendants HAYS and  
6 WHITE met in Rancho Cucamonga, California, at which meeting defendant  
7 HAYS gave defendant WHITE five stolen ISSC MK22 .22 caliber rifles.

8           Overt Act No. 5: On or about June 7, 2012, defendant HAYS stole  
9 a package addressed to Turner's Outdoorsman, 11738 San Marino Drive,  
10 Rancho Cucamonga, California 91730, from the UPS facility which  
11 contained six Benelli Super Nova 12-gauge shotguns.

12           Overt Act No. 6: On or about June 7, 2012, defendants HAYS and  
13 WHITE met in Rancho Cucamonga, California, at which meeting defendant  
14 HAYS gave defendant WHITE six stolen Benelli Super Nova 12-gauge  
15 shotguns.

16           Overt Act No. 7: On or about July 25, 2012, defendant HAYS stole  
17 a package addressed to Turner's Outdoorsman, 11738 San Marino Drive,  
18 Rancho Cucamonga, California 91730, from the UPS facility which  
19 contained 20 Browning Buck Mark Camper .22 caliber pistols.

20           Overt Act No. 8: On or about July 25, 2012, defendants HAYS and  
21 WHITE met in Rancho Cucamonga, California, at which meeting defendant  
22 HAYS gave defendant WHITE 20 stolen Browning Buck Mark Camper .22  
23 caliber pistols.

24           Overt Act No. 9: In or about August of 2012, defendant WHITE  
25 supplied P.C. with the stolen Browning Buck Mark Camper .22 caliber  
26 pistols for P.C. to sell.

1           Overt Act No. 10: In or about August of 2012, defendant WHITE  
2 supplied P.C. with additional stolen Browning Buck Mark Camper .22  
3 caliber pistols for P.C. to sell.

4           Overt Act No. 11: On or about August 3, 2012, defendant HAYS  
5 stole a package addressed to Turner's Outdoorsman, 11738 San Marino  
6 Drive, Rancho Cucamonga, California 91730, from the UPS facility  
7 which contained 18 Kimber .45 caliber pistols.

8           Overt Act No. 12: On or about August 3, 2012, defendants HAYS  
9 and WHITE met in Rancho Cucamonga, California, at which meeting  
10 defendant HAYS gave defendant WHITE 18 stolen Kimber .45 caliber  
11 pistols.

12           Overt Act No. 13: In or about August of 2012, defendant WHITE  
13 told P.C. that he can supply P.C. with Kimber .45 caliber pistols for  
14 P.C. to sell.

15           Overt Act No. 14: On or about October 2, 2012, defendant HAYS  
16 stole a package addressed to Turner's Outdoorsman, 11738 San Marino  
17 Drive, Rancho Cucamonga, California 91730, from the UPS facility  
18 which contained five Benelli Super Nova 12-gauge shotguns.

19           Overt Act No. 15: On or about October 2, 2012, defendants HAYS  
20 and WHITE met in Rancho Cucamonga, California, at which meeting  
21 defendant HAYS gave defendant WHITE five stolen Benelli Super Nova  
22 12-gauge shotguns.

23           Overt Act No. 16: On or about October 22, 2012, defendant HAYS  
24 stole a package addressed to Turner's Outdoorsman, 11738 San Marino  
25 Drive, Rancho Cucamonga, California 91730, from the UPS facility  
26 which contained 18 Kimber .45 caliber pistols.

27           Overt Act No. 17: On or about October 22, 2012, defendants HAYS  
28 and WHITE met in Rancho Cucamonga, California, at which meeting

1 defendant HAYS gave defendant WHITE 18 stolen Kimber .45 caliber  
2 pistols.

3 Overt Act No. 18: On or about December 20, 2012, defendant HAYS  
4 stole a package from the UPS facility that contained cellular  
5 telephones, addressed to Costco Wholesale, 11800 4<sup>th</sup> Street, Rancho  
6 Cucamonga, California 91730, and subsequently provided the package to  
7 defendant WHITE.

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COUNTS TWO THROUGH SEVEN

[18 U.S.C. § 924(1)]

8. The Grand Jury hereby re-alleges and incorporates by reference the allegations contained in paragraphs 1 through 3 of this First Superseding Indictment.

9. On or about the following dates, in San Bernardino County, within the Central District of California, and elsewhere, defendants CURTIS HAYS and DENNIS DELL WHITE, JR. knowingly stole firearms, that is, the firearms set forth below, which were moving as, and were a part of, and which had moved in, interstate and foreign commerce:

COUNT	DATE	FIREARMS
TWO	May 22, 2012	Five ISSC model MK22 .22 caliber rifles
THREE	June 7, 2012	Six Benelli Super Nova 12-gauge shotguns
FOUR	July 25, 2012	20 Browning .22 caliber Buck Mark Camper pistols
FIVE	August 3, 2012	18 Kimber .45 caliber pistols
SIX	October 2, 2012	Five Benelli Super Nova 12-gauge shotguns
SEVEN	October 22, 2012	18 Kimber .45 caliber pistols



COUNTS EIGHT THROUGH THIRTEEN

[18 U.S.C. §§ 922(j), 924(a)(2)]

10. The Grand Jury hereby re-alleges and incorporates by reference the allegations contained in paragraphs 1 through 3 of this First Superseding Indictment.

11. On or about the following dates, in San Bernardino County, within the Central District of California, and elsewhere, defendants CURTIS HAYS and DENNIS DELL WHITE, JR. knowingly received and possessed stolen firearms, that is, the firearms set forth below, and which were moving as, and which were a part of, and which constituted, and which had been shipped and transported in, interstate and foreign commerce, knowing and having reasonable cause to believe that the firearms were stolen:

COUNT	DATE	FIREARMS
EIGHT	May 22, 2012	Five ISSC model MK22 .22 caliber rifles
NINE	June 7, 2012	Six Benelli Super Nova 12-gauge shotguns
TEN	July 25, 2012	20 Browning .22 caliber Buck Mark Camper pistols
ELEVEN	August 3, 2012	18 Kimber Custom II .45 caliber pistols
TWELVE	October 2, 2012	Five Benelli Super Nova 12-gauge shotguns
THIRTEEN	October 22, 2012	18 Kimber .45 caliber pistols

COUNTS FOURTEEN THROUGH FIFTEEN

[18 U.S.C. § 659]

12. The Grand Jury hereby re-alleges and incorporates by reference the allegations contained in paragraphs 1 through 3 of this First Superseding Indictment.

13. On or about the following dates, in San Bernardino County, within the Central District of California, and elsewhere, defendants CURTIS HAYS and DENNIS DELL WHITE, JR. knowingly stole, and unlawfully took and carried away from a motor-truck, storage facility, and depot, that is, a UPS delivery hub located in Ontario, California, and a UPS delivery truck, with intent to convert to their own use, the following goods, which were moving as, and which were a part of, and which constituted, an interstate and foreign shipment:

COUNT	DATE	GOODS
FOURTEEN	May 8, 2012	Jewelry with an approximate value of \$7,296.71
FIFTEEN	December 20, 2012	Cellular telephones with an approximate value of \$1,249.95

COUNT SIXTEEN

[18 U.S.C. § 922(g)(1)]

14. On or about January 4, 2013, in Riverside County, within the Central District of California, defendant DENNIS DELL WHITE, JR. ("WHITE") knowingly possessed firearms, namely, an Omega Defensive Industries Model Viking Combat .45 caliber pistol, serial number JD005252, and a Springfield Armory Model XD .45 caliber pistol, serial number US615615, and ammunition, namely, 11 CCI .45 caliber ammunition rounds, 10 Arms Corporation of the Philippines .45 caliber ammunition rounds, and 15 Remington 9mm ammunition rounds, in and affecting interstate and foreign commerce.

15. Such possession occurred after defendant WHITE had been convicted of the following felony, punishable by a term of imprisonment exceeding one year: Transportation of a Controlled

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1 Substance, in violation of California Health & Safety Code Section  
2 11379(a), in the Superior Court of the State of California, County of  
3 Riverside, case number RIF126343, on or about June 1, 2006.

4 A TRUE BILL

5  
6 1A1  
7 Foreperson

8 ANDRÉ BIROTTE JR.  
9 United States Attorney

10 *Joseph B. Widman for:*

11 ROBERT E. DUGDALE  
12 Assistant United States Attorney  
13 Chief, Criminal Division

14 JOSEPH B. WIDMAN  
15 Assistant United States Attorney  
16 Chief, Riverside Office

17 CARLO A. DICESARE  
18 Special Assistant U.S. Attorney  
19 Riverside Office