

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	Criminal No.
	)	
v.	)	VIOLATIONS:
	)	18 U.S.C. § 1623 -
OSCAR HERNANDEZ, JR.,	)	False Declaration Before a
	)	Grand Jury
Defendant.	)	
	)	18 U.S.C. § 1503 -
	)	Obstruction of Justice
	)	
	)	18 U.S.C. § 1512 -
	)	Witness Tampering

**BACKGROUND**

The Grand Jury charges that:

1. In July, 2013, a grand jury of the United States in the District of Massachusetts began investigating the interstate transportation of firearms from Florida to Massachusetts. The grand jury's investigation was based, in part, upon trace information obtained by the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), in response to a request from the Massachusetts State Police, on three firearms that were recovered in connection with an investigation into a June 17, 2013 homicide in North Attleboro, Massachusetts. The ATF works with state and local law enforcement to determine the origin of firearms used in crimes by tracing the serial numbers of any firearms recovered.

2. In late June, 2013, the ATF had determined that each of

the three firearms was purchased in Florida in April, 2013 within nine days of one another. Specifically, the ATF determined that, on April 24, 2013, an individual referred to herein as "John Doe #1" purchased a Jimenez Arms, .22 caliber pistol, bearing serial number 1131344 (the "Jimenez Arms Pistol 1"), at the True Value hardware store in Belle Glade, Florida; and that, on April 16, 2013, an individual referred to herein as "John Doe #2" purchased a Jimenez Arms, .22 caliber pistol, bearing serial number 1144296 (the "Jimenez Arms Pistol 2"), from the same True Value hardware store in Belle Glade, Florida.

3. With respect to the third firearm, on June 22, 2013, the Massachusetts State Police executed a search warrant in North Attleboro, Massachusetts, the residence of an individual referred to herein as "John Doe #3." During the search, the Massachusetts State Police recovered a FEG, 7.62X39 caliber rifle, bearing serial number HF0372 (the "FEG Rifle"), inside a gray Toyota Camry, with Florida license plate number \*\*\*MJP ("the Toyota Camry"), that was parked in the garage of the residence in North Attleboro, Massachusetts. The ATF determined that, on April 15, 2013, the FEG Rifle was purchased by an individual referred to herein as "John Doe #4" from CWJC Enterprise (the "Delray Shooting Center") in Delray Beach, Florida.

COUNT ONE

(18 U.S.C. § 1623 - False Declaration Before a Grand Jury)

4. The factual allegations in paragraphs one through three are herein incorporated in full.

5. On December 4, 2013, in Boston, within the District of Massachusetts, the defendant,

**OSCAR HERNANDEZ, JR.,**

while under oath in a proceeding before a grand jury of the United States in the District of Massachusetts, knowingly made a false material declaration, that is, he gave the following underlined false testimony in response to questions concerning a material matter:

Q - Are you familiar with a Toyota Camry --

A - No, sir.

Q - -- that was ultimately, I will tell you, ultimately recovered in the garage of [John Doe #3]?

A - No, sir.

Q - Did you ever own or purchase one?

A - No, sir.

Q - A Toyota Camry that was purchased in and around that same time period of late April 2013?

A - No, sir.

(Witness shown photographs of the Toyota Camry.)

Q - I'm going to show you a group of photographs and ask if you recognize what I'm handing you as well. They're

obviously over-exposed, take a look at them carefully, so. Do you recognize any of the six photographs I've handed you?

A - No, sir.

Q - One of them in fact has a license plate, does it not?

A - Yes, sir.

Q - Okay, so are you familiar with this particular car?

A - No, sir.

Q - Have you ever seen it before?

A - No, sir.

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Q - Did you purchase a Toyota Camry from [an individual referred to herein as "KS" or "K"]? Do you know K?

A - I don't -- If you're talking about the same guy, I don't know him by K.

Q - What do you know about him?

A - We call him Andy.

Q - What do you call him?

A - Andy.

Q - Andy?

A - Yeah.

Q - You know Andy is a guy that works on cars, right?

A - Yeah, he works on my truck.

Q - Did you buy a car from Andy, the car being a Toyota Corolla (sic) that you shipped to Massachusetts?

A - No, sir.

Q - You bought no car from Andy?

A - No, sir.

6. The testimony by the defendant **OSCAR HERNANDEZ, JR.** underlined above, as he then and there well knew, was false in that in fact the defendant had purchased the Toyota Camry from KS. The false statement was material because the grand jury was investigating the interstate transportation of firearms from Florida to Massachusetts in, among other things, the Toyota Camry, and it was thus important to determine who bought and shipped the Toyota Camry.

All in violation of Title 18, United States Code, Section 1623.

COUNT TWO

**(18 U.S.C. § 1623 - False Declaration Before a Grand Jury)**

7. The factual allegations in paragraphs one through three are herein incorporated in full.

8. On December 4, 2013, in Boston, within the District of Massachusetts, the defendant,

**OSCAR HERNANDEZ, JR.,**

while under oath in a proceeding before a grand jury of the United States in the District of Massachusetts, knowingly made a false material declaration, that is, he gave the following underlined false testimony in response to questions concerning a material matter:

Q - I'm going to hand you a group a documents and ask you just to take a look at a couple sections of them while I put them up. Is this your phone number right here as the pick-up information? Is that your phone number, \*\*\*-\*\*\*-0678?

A - That's my phone number.

Q - Is that your name Oscar there?

A - Yes, sir.

Q - And is that your address?

A - Yes, sir.

(Records marked as Exhibit number 4.)

Q - I suggest to you that these are records from Car Delivery, Inc. concerning the transportation of a Toyota Camry. I want you to take a look at this. Is that your name right here? Oscar?

A - Yes, that's my name.

Q - Your address and phone number that follow, meaning your cell phone number?

A - Yes, sir.

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Q - Okay, can you explain how your name got on these documents demonstrating that you picked up and were prepared to pay for the transportation of that vehicle to [an individual referred to herein as "Jane Doe #1"] in North Attleboro, Massachusetts?

A - I never did. I never seen anything like that. Never called the car company or nothing before.

Q - Never called the car company?

A - No, sir.

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Q - How is it that you can tell the Grand Jury that you did not ship this car then?

A - I never shipped a car before, sir?

Q - Did you purchase the car?

A - I never purchased the car before.

Q - Did you ship the car?

A - No, I didn't.

Q - Did you ask someone else to ship the car and provide --

A - No, sir.

Q - -- your information?

A - No, sir.

9. The testimony by the defendant, **OSCAR HERNANDEZ, JR.** underlined above, as he then and there well knew, was false in that the defendant had in fact shipped the Toyota Camry and caused it to be shipped to Jane Doe #1, at John Doe #3's residence in North Attleboro, Massachusetts. The false statement was material because the grand jury was investigating the interstate transportation of firearms from Florida to Massachusetts in, among other things, the Toyota Camry, and it was thus important to determine who bought and shipped the Toyota Camry.

All in violation of Title 18, United States Code, Section 1623.



**COUNT THREE**

**(18 U.S.C. § 1623 - False Declaration Before a Grand Jury)**

10. The factual allegations in paragraphs one through three are herein incorporated in full.

11. On December 4, 2013, in Boston, within the District of Massachusetts, the defendant,

**OSCAR HERNANDEZ, JR.,**

while under oath in a proceeding before a grand jury of the United States in the District of Massachusetts, knowingly made a false material declaration, that is, he gave the following underlined false testimony in response to questions concerning a material matter:

Q - So did you ever ask [an individual referred to herein as "DB"] if he could transport a car for you?

A - No, sir.

Q - In particular, did you ask him around April 11th of 2013, around just a few days before all these calls to this transport company starting on April 19th?

A - No, sir.

12. The testimony by the defendant, **OSCAR HERNANDEZ, JR.** underlined above, as he then and there well knew, was false in that in fact the defendant had requested DB to ship the Toyota Camry. The false statement was material because the grand jury was investigating the interstate transportation of firearms from Florida to

Massachusetts in, among other things, the Toyota Camry, and it was thus important to determine who bought and shipped the Toyota Camry.

All in violation of Title 18, United States Code, Section 1623.

**COUNT FOUR**

**(18 U.S.C. § 1503 - Obstruction of Justice)**

13. The factual allegations in paragraphs one through three, five, six, eight, nine, eleven, and twelve are herein incorporated in full.

14. On or about December 4, 2013, in Boston, in the District of Massachusetts, and elsewhere, the defendant,

**OSCAR HERNANDEZ, JR.,**

did corruptly endeavor to influence, obstruct, and impede the due administration of justice in that the defendant did knowingly make misleading and false declarations, as set forth in the testimony in paragraphs five, eight, and eleven above, and concealed relevant information while testifying under oath before a United States grand jury for the District of Massachusetts.

All in violation of Title 18, United States Code, Section 1503.

**COUNT FIVE**

**(18 U.S.C. § 1512 - Witness Tampering)**

18. The factual allegations in paragraphs one through three are herein incorporated in full.

19. Beginning on or about November 13, 2013, and continuing until on or about January 31, 2014, in Boston, in the District of Massachusetts, the defendant,

**OSCAR HERNANDEZ, JR.,**

did knowingly attempt to corruptly persuade another person, "KS," with the intent to influence the testimony of KS in, and with the intent to cause and induce KS to withhold testimony from, an official proceeding, that is, an investigation by a grand jury of the United States in the District of Massachusetts into the interstate transportation of firearms from Florida to Massachusetts.

All in violation of Title 18, United States Code, Section 1512(b)(1) and (b)(2)(A).

A TRUE BILL,

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FOREPERSON OF THE GRAND JURY

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Glenn A. MacKinlay  
ASSISTANT U.S. ATTORNEY

DISTRICT OF MASSACHUSETTS

April 16, 2014

Returned into the District Court by the Grand Jurors and filed.

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Deputy Clerk

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DISTRICT OF MASSACHUSETTS

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	)	Witness Tampering

I, the undersigned, foreperson of the grand jury of this court, at the term begun and held at Boston on the 16<sup>th</sup> day of April, 2014, in pursuance of Rule 6(c) of the Federal Rules of Criminal Procedure, do herewith file with the Clerk of the Court a record of the above case, this record not to be made public except on order of the court, to wit:

\_\_\_\_\_grand jurors concurring in the indictment.

\_\_\_\_\_  
FOREPERSON