

SEALED

FILED

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Mark C. McCart, Clerk
U.S. DISTRICT COURT

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,	)	Case No. <u>20 CR315 JED</u>
)	
Plaintiff,	)	<u>FILED UNDER SEAL</u>
)	
v.	)	<u>INDICTMENT</u>
	)	[COUNT 1: 18 U.S.C. § 371 –
LATOYA LISA DYTHER,	)	Conspiracy to Make a False
DEVON JAMYLL JONES,	)	Statement to a Firearms Dealer;
	)	COUNT 2: 18 U.S.C. §§ 924(a)(1)(A)
Defendants.	)	and 2 – False Statement to a Firearms
	)	Dealer;
	)	Forfeiture Allegation: 18 U.S.C. §
	)	924(a)(1)(A) and 28 U.S.C. § 2461 –
	)	Firearms Forfeiture]

THE GRAND JURY CHARGES:

COUNT ONE
[18 U.S.C. § 371]

On or about April 11, 2020, in the Northern District of Oklahoma, the defendants, **LATOYA LISA DYTHER** and **DEVON JAMYLL JONES**, knowingly and willfully conspired and agreed together and with others both known and unknown to commit offenses against the United States in violation of Title 18, United States Code, Section 371, as follows:

INTRODUCTION

1. At all times relevant to this Indictment, federal regulations required that a firearms purchaser fill out an ATF Form 4473, Firearms Transaction Record (hereinafter “ATF Form 4473”), to complete the purchase of a firearm.

2. The firearms purchaser must answer questions on the ATF Form 4473.

Question 11.a in Section A on ATF Form 4473 asks the following question and supplies the following instructions and explanations:

“Are you the actual transferee/buyer of the firearm(s) listed on this form? Warning: You are not the actual transferee/buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual transferee/buyer, the licensee cannot transfer the firearm(s) to you. Exception: If you are only picking up a repaired firearm(s) for another person, you are not required to answer 11.a. and may proceed to question 11.b.?” The firearms purchaser must answer the question by checking either a box marked “yes” or a box marked “no.”

3. The ATF Form 4473 requires that the firearms purchaser certify that the answers are true, correct, and complete, and make various acknowledgments as part of that certification. The ATF Form 4473 certification and acknowledgments read as follows:

“I certify that my answers to Section A are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473. I understand that answering “yes” to question 11.a. if I am not the actual buyer is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I understand that a person who answers “yes” to any of the questions 11.b. through 11.i and/or 12.b through 12.c is prohibited from purchasing or receiving a firearm. I understand that a person who answers “yes” to question 12.d.j. is prohibited from purchasing or receiving a firearm, unless the person also answers “yes” to question 12.d.2 and provides documentation required in 18.c. I also understand that making any false oral or written statement, or exhibiting any false or misrepresented identification with respect to this transaction, is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I further understand that the repetitive purchase of firearms for the purpose of resale for livelihood and profit without a Federal firearms license is a violation of law. (See Instructions for Question 14).”

4. There is a signature line appearing below the certification provision of the ATF Form 4473 where the firearms purchaser signs and certifies all the representation in the certification provision.

5. The ATF Form 4473 is not submitted to any Federal agency or law enforcement entity upon completion, but the federally licensed firearms dealer must retain the Form 4473 in its records.

OBJECTS OF THE CONSPIRACY

6. The object of the conspiracy was to commit the offense of Making a False Statement to a Firearms Dealer, in violation of Title 18, United States Code, Section 924(a)(1)(A).

MANNER AND MEANS OF THE CONSPIRACY

7. It was part of the conspiracy that the defendants would purchase a firearm, that is, an FN Herstal S.A. (FNH USA) F.N., Model 5.7., 5.7 X 28mm semi-automatic pistol, serial number 3863452285 (hereinafter “the Firearm”).

8. It was part of the conspiracy that the defendants would provide cash to purchase the Firearm.

9. It was further a part of the conspiracy that false statements would be made to T.W., an Employee of Bass Pro, a Firearms Dealer to purchase the Firearm.

OVERT ACTS

10. On April 11, 2020, the defendants drove to Bass Pro Shop in Broken Arrow, Oklahoma, within the Northern District of Oklahoma.

11. Upon arrival at the location, the defendants approached the counter and looked at the glass case containing the Firearm.

12. **JONES** told **DYTHE** to specifically ask to examine the Firearm.

13. **DYTHE** asked T.W., a Bas Pro Shop employee, for the Firearm so she could handle it.

14. When T.W. asked **DYTHE** if the Firearm was for her, **DYTHE** told T.W. that she was a police officer and knew the law.

15. **DYTHE** produced a card that identified her as a Tulsa police officer.

16. In executing the ATF Form 4473, **DYTHE** represented that she was purchasing the Firearm for herself.

17. In executing the ATF Form 4473, **DYTHE** represented that she was born in Achille, Oklahoma.

18. **DYTHE** certified her answers by signing and dating the ATF Form 4473.

19. **JONES** provided **DYTHE** U.S. Currency to purchase the Firearm.

20. **DYTHE** purchased the Firearm.

21. **DYTHE** and **JONES** exited the bass pro shop with Firearm.

22. **DYTHE** gave **JONES** the Firearm while in the parking lot of Bass Pros Shop.

23. **JONES** thereafter kept the Firearm.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO
[18 U.S.C. §§ 924(a)(1)(A) and 2]

On or about April 11, 2020, in the Northern District of Oklahoma, the defendants, **LATOYA LISA DYTHER** and **DEVON JAMYLL JONES**, aiding and abetting each other, knowingly made a false statement and representation to T.W., an Employee of Bass Pro Shop, a federally licensed Firearms Dealer, with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Bass Pro Shop, in that the defendant **DYTHER** executed a ATF Form 4473, Firearms Transaction Record, to the effect that she was purchasing a firearm, that is, a FN Herstal S.A. (FNH USA) F.N., Model 5.7., 5.7 X 28mm semi-automatic pistol, serial number 3863452285, for herself, when in truth and fact, she was purchasing the firearm for **JONES**, who directed **DYTHER** to make the purchase for him and provided **DYTHER** U.S. Currency to make the purchase.

All in violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.


FORFEITURE ALLEGATION
[18 U.S.C. § 924(a)(1)(A) and 28 U.S.C. § 2461]

The allegations contained in this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 924(a)(1)(A) and Title 28, United States Code, Section 2461.

Upon conviction of the offenses alleged in this Indictment, as a part of her sentence, the defendants, **LATOYA LISA DYTHER** and **DEVON JAMYLL JONES**, shall forfeit to the United States, any firearm involved in or used in the knowing commission of such offenses.

All pursuant to Title 18, United States Code, Section 924 (a)(1)(A) and Title 28, United States Code, Section 2461.

R. TRENT SHORES
UNITED STATES ATTORNEY



D. EDWARD SNOW
Assistant United States Attorney

A TRUE BILL

/s/ Grand Jury Foreperson

Grand Jury Foreperson