

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL ACTION
vs.	:	
JOSEPH LAFORTE	:	NO. 20-231

ORDER

AND NOW, to wit, this day of , 2023, upon consideration of the Defendant's Motion to Dismiss, it is hereby ORDERED AND DECREED that said Motion is GRANTED.

BY THE COURT:

J.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL ACTION
vs.	:	
JOSEPH LAFORTE	:	NO. 20-231

***MOTION TO DIMSIS BASED ON THE UNCONSTITUTIONAL
APPLICATION OF 18 U.S.C. §922 (g)(1) VIOLATING JOSEPH LAFORTE’S
SECOND AMENDMENT RIGHT TO BEAR ARMS***

JOSEPH LAFORTE, by his attorney, **BRIAN J. MCMONAGLE, ESQUIRE**, respectfully requests this Court to enter an Order dismissing all charges against him, and in support thereof avers the following:

1. On August 5, 2020, Joseph LaForte was indicted by a grand jury in the Eastern District of Pennsylvania for violating the federal “felon -in- possession” law -18 U.S.C. § 922 (g)(1).
2. The charges emanated from a July 28, 2020, search of his home by federal agents in which several of his wife’s firearms were confiscated by federal law enforcement officers.
3. The government brought this indictment based upon the fact that Mr. LaForte had been previously convicted of two non-violent offenses. Specifically, a 2005 state court conviction for larceny, money laundering, and conspiracy, and a 2010 federal conviction for operating an illegal gambling business.
4. Based on the precedent recently established in the June 6, 2023, third circuit *en banc* opinion in *Range v. Garland*, No. 21-2835, and the Supreme Court’s decision in *New York Rifle*

& Pistol Ass’n, Inc v. Bruen, 142 S.Ct. 2111 (2022), the defendant submits that he is one of “the people” protected by the Second Amendment, and his possession of firearms is lawful and protected by the Second Amendment right to bear arms.

Wherefore, the defendant moves for dismissal of the charges and relies on the arguments advanced in the attached memorandum of law.

Respectfully submitted,

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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL ACTION
vs.	:	
JOSEPH LAFORTE	:	NO. 20-231

MEMORANDUM OF LAW IN SUPPORT OF MOTION TO DISMISS

In 2019, Supreme Court Justice Barrett, then a Circuit Court Judge, authored a dissenting opinion in *Kanter v. Barr*, 919 F.3d 437 (7th Cir. 2019). In that opinion, she recognized that legislatures should not have the right to ban non-violent citizens of their Second Amendment right to bear arms:

History is consistent with common sense: it demonstrates that legislatures have the power to prohibit dangerous people from possessing guns. But that power extends only to people who are *dangerous*. Founding-era legislatures did not strip felons of the right to bear arms simply because of their status as felons. Nor have the parties introduced any evidence that founding-era legislature imposed virtue-based restrictions on the right...

18 U.S.C. § 922(g)(1) and Wisconsin Statute § 941.29(1m) would stand on solid footing if their categorical bans were tailored to serve the governments' undeniably compelling interest in protecting the public from gun violence. But their dispossession of *all felons*-both violent and nonviolent is unconstitutional as applied to Kanter, who was convicted of mail fraud.

In her opinion, Justice Barrett traced the historical origins of the limits placed on Second Amendment rights and correctly concluded that banning non-violent felons is not substantially related to the governments interest in preventing future gun violence. Interestingly, in her discussion of the divergence among circuit courts analyzing gun dispossession laws, she

referenced a 2016 third circuit *en banc* concurring opinion of Judge Hardimen in *Binderup v. Attorney Gen. U.S.*, 836 F.3d 336, 357 (3d Cir. 2016):

There are competing ways of approaching the constitutionality of gun dispossession laws. Some maintain that there are certain groups of people—for example, *violent felons*—who fall entirely outside the Second Amendment’s scope. *See, e.g. Binderup v. Attorney Gen. U.S.*, 836 F.3d 336, 357 (3d Cir. 2016) (*en banc*) (Hardiman, J., concurring in part and concurring in the judgments) (“[T]he Founders understood that not everyone possessed Second Amendment rights. These appeals require us to decide who count among ‘the people’ entitled to keep and bear arms”)

In *Binderup*, the Court employed a “multifaceted seriousness inquiry” in scrutinizing which people were deserving of Second Amendment protections. However, four years later, on June 6, 2023, Judge Hardimen would author another third circuit opinion that would echo the sentiments expressed by Justice Barrett.

In *Range v. Garland*, (U.S. Court of Appeals, 3rd Cir. No. 21-2835, filed June 6, 2023), an individual named Bryan Range brought a claim that the federal “felon-in-possession” law—18 U.S.C. § 922(g)(1)—violated his Second Amendment right to keep and bear arms. In 1995, Mr. Range had been convicted in a Pennsylvania state court for making a false statement to obtain food stamps assistance, and as a result was prohibited from purchasing firearms. In a stunning opinion, the Court held that the Government could not show that the Nation’s historical tradition of firearms regulation supports depriving Range of his Second Amendment right to possess a firearm.

The Court in *Range* relied on the constitutional analysis espoused by Justice Barrett in *Kanter* and the more recent Supreme Court decision in *New York Rifle & Pistol Ass’n Inc. v. Bruen*, 142 S.Ct. 2111 (2022). In *Bruen*, the Court replaced the *Binderup* means-end scrutiny with the “historical tradition inquiry” which Justice Barrett had also relied upon in the *Kanter* dissent:

[W]hen the Second Amendment’s plain text covers an individual’s conduct, the Constitution presumptively protects that conduct. To justify its regulation, the government may not simply posit that the regulation promotes an important interest. Rather, the government must demonstrate that the regulation is consistent with this Nation’s historical tradition of firearm regulation. Only if a firearm regulation is consistent with this Nation’s historical tradition may a court conclude that the individual’s conduct falls outside the Second Amendment’s “unqualified command.” *Id.* at 2126 (citation omitted).

The Supreme Court in *Bruen* now requires Courts to first decide whether the text of the Second Amendment applies to a person and his proposed conduct. 142 S.Ct. at 2134-35. If it does, the government bears the burden of affirmatively proving that its firearm regulation is part of the historical tradition that delimits the outer bounds of the right to keep and bear arms.” *Id.*

After applying the *Bruen* analysis to Mr. Range’s circumstances the third circuit found **no historical tradition of disarming “non-violent” individuals such as Range**. In so doing the majority rejected the Government’s contention that everyone convicted of a crime punishable in excess of one year should be forever barred from possessing firearms:

In sum, we reject the Government’s contention that only “law abiding, responsible citizens” are counted among “the people” protected by the Second Amendment. *Heller* and its progeny lead us to conclude that Bryan Range remains among “the people” despite his 1995 false statement conviction.

The Supreme Court’s decision in *Bruen* requires the Government to demonstrate whether the “historical tradition of firearms regulation” applies to a citizen’s prior felony convictions, thereby requiring a lifetime ban on possessing firearms.

After *Bruen*, District Courts across the United States have confronted the constitutional collision caused by 922(g) prosecutions. In *United States v. Rahimi*, 61 F.4th 443 (5th Cir. 2023), the Fifth Circuit handed down a decision which adopted the Court’s analysis in *Bruen*, and Justice Barrett’s reasoning in *Barr*. In *Rahimi*, the defendant was involved in five shootings in and around Arlington, Texas, and was also the subject of a civil protective order restraining him

from harassing, stalking or threatening his ex-girlfriend and their child, and the order also prohibited him from possessing a firearm. In executing a warrant at his home as a result of his involvement in the shootings, police found a rifle and a pistol in the dwelling. In *Rahimi*, the defendant raised a Second Amendment challenge to 18 U.S.C. § 922(g)(8), which makes it a felony to possess a firearm while subject to a domestic violence restraining order. *Id.* at 449-50. Despite the fact that *Bruen* did not address § 922(g)(8), the court in *Rahimi* declared the statute unconstitutional and held that “*Bruen* clearly ‘fundamentally change[d]’ our analysis of laws that implicate the Second Amendment rendering our prior precedent obsolete.” *Id.* at 450-51 (quoting *Bonvillian*, 19 F.4th at 792).

Two months after the *Rahimi* decision, the United States District Court for the Western District of Texas confronted a Second Amendment challenge made by a defendant in a § 922(g)(3) and (d)(3) case. In *United States v. Connelly*, No. 3:22-CR-00229-KC, which was decided on April 7, 2023, El Paso Police responding to gunshots conducted a protective sweep of the defendant’s residence and found multiple firearms, ammunition and marijuana in a homemade greenhouse within the dwelling. The defendant moved to dismiss the indictment arguing that § 922(g)(3) and (d)(3) violated her Second Amendment rights. Relying on the *Rahimi* Court’s example in applying the two-step standard established in *Bruen*, the Court concluded that “§ 922(d)(3) does not withstand Second Amendment scrutiny for much the same reasons that § 922(g)(3) does not, and our Nation’s historical tradition of firearm regulation does not support placing such a burden on the Second Amendment right.” *Id.*

Most recently, in *United States v. Jessie Bullock*, No. 3:18-CR-165-CWR-FKB, decided June 29, 2023, District Court Judge Carlton Reeves of the Southern District of Mississippi dismissed an indictment charging a convicted felon of firearms possession under Section

922(g). The felon in question, Jessie Bullock, had been previously convicted of manslaughter, and aggravated assault and had served 15 years in prison. He was indicted as a felon in possession after numerous firearms were found in his home. Mr. Bullock moved to dismiss the indictment arguing that the Supreme Court's decision in *New York State Rifle & Pistol Association v. Bruen* rendered the felon-in-possession law unconstitutional as applied to him. The Court agreed.

In his opinion, Judge Reeves traced the evolution of the felon in possession statute and most importantly examined Justice Barret's dissent in *Barr*, and the Supreme Court's recent pronouncement in *Bruen*. In granting Mr. Bullock's motion to dismiss, Judge Reeves continued the effort to exalt the protections of the Second Amendment over the ambiguous theories that gave rise to the restrictions on the right to bear arms:

Gun-rights advocates used to say that the Second Amendment was treated as a "second class" right. Robert J. Cottrol, *Structure, Participation, Citizenship, and Right: Lessons from Akhil Amar's Second and Fourteenth Amendments*, 87 Geo. L.J. 2307, 2324, (1999). That all changed in 2008. That year, the Supreme Court decided that the Second Amendment guarantees individuals the right to keep and bear arms in their home for self-defense. *District of Columbia v. Heller*, 554 U.S. 570 (2008). In so doing, the Court forged a broad definition of the right to bear arms. And in the years since, the Court has continued to expand the definition. See *McDonald v. City of Chicago, Illinois*, 561 U.S. 742, (2010). Firearm restrictions are now presumptively unlawful unless the Government can "demonstrate that the regulation is consistent with this Nation's historical tradition of firearm regulation." *New York State Rifle & Pistol Ass'n, Inc v. Bruen*, 142 S.Ct. 2111, 2126, (2022).

An application of the aforementioned legal precedent to the instant case compels the conclusion, that the Government cannot show that this Nation's "historical tradition of firearms regulation" supports depriving Joseph LaForte's Second Amendment right to possess firearms in a home he shares with his wife.

On July 28, 2020, government agents executed a search warrant on the residence of Joseph

LaForte and his wife, Lisa McElhone, and found seven firearms within their residence. After the search, a subsequent investigation revealed that Lisa McElhone had been robbed at knife point at her Salon in Philadelphia in 2013, during which her assailant stole her wedding ring, her watch, and ripped the earrings out of her ears. (See attached Exhibit A). Philadelphia Police detectives fully investigated the robbery, and Ms. McElhone was shown numerous photo lineups in an effort to catch her assailant. Her assailant was never found, and the robbery left a lasting impact upon Ms. McElhone. She desperately wanted to own and possess a firearm in her home after her assault, however, she was unable to do so while her husband was serving his term of supervised release for his 2010 gambling conviction. However, after Mr. LaForte successfully completed his term of supervised release, Ms. McElhone applied for a firearms license, and on June 15, 2017, she was granted a license to carry firearms in Pennsylvania. (See attached Exhibit B). Ms. McElhone then became a member of the Philadelphia Training Academy, and received extensive firearms training at the Philadelphia Gun and Archery Club. (See attached Exhibit B). In June of 2017, Ms. McElhone lawfully purchased two handguns for her own protection, and has continuously maintained them in her home since that time. (See attached Exhibit C). More recently, during the rioting and despair in late 2019-2020, she purchased two additional firearms for her home. (See attached Exhibit D). The remaining firearms that were confiscated during the search (two unassembled shotguns and a revolver) were gifts.

The Government now seeks to imprison Mr. LaForte for having these firearms in the sanctity of his own home. The Government suggests that since Mr. LaForte had been previously convicted of two non-violent offenses, he should have a lifetime ban on maintaining firearms in a home he shares with his wife. Specifically, the government indicted Mr. LaForte under Section 922(g)(1), based upon a nineteen-year-old state court conviction for larceny, money laundering,

and conspiracy, and a 13-year-old federal conviction for operating an illegal gambling business in New Jersey. Neither conviction involves the use or threat of violence, and there is nothing that suggests that these are the types of crimes that tradition dictates should fall outside the Second Amendment's scope. To the contrary, gambling has been legalized in New Jersey and other states, including Pennsylvania. These are hardly the type of crimes that must require a lifetime ban on possessing firearms in one's home.

Obviously, these convictions pale in comparison to the manslaughter offense that had been previously committed in the *Bullock* case, and the violent crime spree and domestic violence at issue in the *Rahimi* decision. It is ludicrous to suggest that the Second Amendment can protect a felon who has been previously convicted of taking a human life, or a felon who embarks on a violent crime spree, but would not protect a non-violent offender like Mr. LaForte. Clearly, Joseph LaForte's non-violent criminal history should not disqualify him from his constitutionally protected right to bear arms in his home. Stated simply, this is not a case where a dangerous and violent felon unlawfully obtained and possessed firearms. As such, Mr. LaForte remains one of "the people" protected by the Second Amendment, and his right to possess firearms in his home is protected by his constitutional right to bear arms. Mr. LaForte, "while hardly a model citizen", is entitled to the guarantees of the Second Amendment. (quoting from *Rahimi*, at 454).

Thus, because the Government cannot show that our nation has a longstanding history and tradition of depriving non-violent people, like Mr. LaForte, of their firearms, § 922 (g)(1) cannot constitutionally strip him of his Second Amendment rights. As such all charges against him must be dismissed.

Respectfully submitted,

S/BRIAN J. MCMONAGLE
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bmcmonagle@mpmpc.com

CERTIFICATE OF SERVICE

BRIAN J. MCMONAGLE, Esquire hereby certifies that a true and correct copy of the within motion has been electronically filed.

s/ BRIAN J. MCMONAGLE
BRIAN J. MCMONAGLE, Esquire

INVESTIGATION INTERVIEW RECORD CONTINUATION SHEET		CITY OF PHILADELPHIA POLICE DEPARTMENT
NAME Lisa Mcelhone	PAGE: 2	CASE# 13-

6Q) Can you describe the jewelry?

6A) my wedding ring is a platinum eternity band and its 13 carats. Its 13 one carat diamonds, Asher cut. Its value is \$250,000. My earrings were diamond 5 carat total and they were valued at \$25000. My watch "Krieger" is black and orange with an orange face and a black band, its value is \$3500.

7Q) Which way did he go when he fled the store?

7A) I didn't see but a few people said it was east on Fitzwater.

8Q) Is there anything else you would like to add to this interview?

8A) He is a smoker because the day he was across on the corner and coming up to me and my husband he was smoking. He also smelled of smoke.

Lisa Mcelhone 9/27/13

SIGNATURE OF INTERVIEWEE:	DATE:
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75-483 CONTINUATION

SP 4-122(1-2010)
PENNSYLVANIA LICENSE TO CARRY FIREARMS☒ NEW ☐ RENEW

NO 46-00047723

☐ DUPL. CORRECTION
(MIDDLE) (JR ETC)1 NAME(LAST)
MCELHONE, LISA M

(FIRST)

2 ADDRESS
568 FERDALE LANE, HAVERFORD, PA 190413 Point Of Contact Phone Number
1-877-884-38024 DATE ISSUED
6/15/20175 DATE EXPIRES
6/15/20226 REASON TO CARRY
Self Defense7 DOB
7/30/19798 HGT
5049 WGT
14010 EYES
BRO11 HWK
BRO12 SEX
F13 RACE
W14 U S CITIZEN
Y15 COUNTRY OF
CITIZENSHIP
US

16 (IMMIGRATION ID NO. IF APP)

17 SIGNATURE OF LICENSEE

18 SIG OF ISSUING AUTHORITY

19 SHERIFF OR CHIEF OF POLICE OF
Montgomery

Denticard

PROPERTY OF:
MONTGOMERY COUNTY SHERIFF'S OFFICE
IF FOUND, PLEASE RETURN TO:
COURT HOUSE
AIRY & SWEDE STREETS
NORRISTOWN, PA 19401
ATTENTION: SPECIAL SERVICES

Philadelphia Training Academy

LISA McELHONE

Club Membership

12325

23 JUNE 2018

831-33 Ellsworth Street
Philadelphia Pa 19147Phone 215-551-4544
Fax 215-271-3715www.pagclub.net

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Firearms Transaction Record

WARNING: You may not receive a firearm if prohibited by Federal or State law. The information you provide will be used to determine whether you are prohibited from receiving a firearm. Certain violations of the Gun Control Act, 18 U.S.C. 921 et. seq., are punishable by up to 10 years imprisonment and/or up to a \$250,000 fine.

Transferor's/Seller's
Transaction Serial
Number (If any)

10713

Read the Notices, Instructions, and Definitions on this form. Prepare in original only at the licensed premises ("licensed premises" includes business temporarily conducted from a qualifying gun show or event in the same State in which the licensed premises is located) unless the transaction qualifies under 18 U.S.C. 922(c). All entries must be handwritten in ink. "PLEASE PRINT."

Section A - Must Be Completed Personally By Transferee/Buyer

1. Transferee's/Buyer's Full Name (If legal name contains an initial only, record "IO" after the initial. If no middle initial or name, record "NMN".)

Last Name (Including suffix (e.g., Jr, Sr, II, III))

First Name

Middle Name

McElhone

Lisa

Marie

2. Current State of Residence and Address (U.S. Postal abbreviations are acceptable. Cannot be a post office box.)

Number and Street Address

City

County

State

ZIP Code

568 Ferndale Ln

Haverford

Montgomery

PA

19041

3. Place of Birth

U.S. City and State

-OR-

Foreign Country

4. Height

Ft. 5

In. 4

5. Weight

(Lbs.) 138

6. Sex

☐ Male

☒ Female

7. Birth Date

Month

Day

8. Social Security Number (Optional, but will help with identification)

9. Unique Personal Identification Number (UPI) (If applicable (See Instructions for Question 9.))

10.a. Ethnicity

☐ Hispanic or Latino

☒ Not Hispanic or Latino

10.b. Race (In addition to ethnicity, select one or more race in 10.b. Both 10.a. and 10.b. must be answered.)

☐ American Indian or Alaska Native

☐ Black or African American

☒ White

☐ Asian

☐ Native Hawaiian or Other Pacific Islander

11. Answer the following questions by checking or marking "yes" or "no" in the boxes to the right of the questions.

a. 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 picking up a repaired firearm(s) for another person, you are not required to answer 11.a. and may proceed to question 11.b. (See Instructions for Question 11.a.)**

Yes No
☒ ☐

b. Are you under indictment or information in any court for a felony, or any other crime for which the judge could imprison you for more than one year? (See Instructions for Question 11.b.)

☐ ☒

c. Have you ever been convicted in any court of a felony, or any other crime for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation? (See Instructions for Question 11.c.)

☐ ☒

d. Are you a fugitive from justice? (See Instructions for Question 11.d.)

☐ ☒

e. Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance? **Warning: The use or possession of marijuana remains unlawful under Federal law regardless of whether it has been legalized or decriminalized for medicinal or recreational purposes in the state where you reside.**

☐ ☒

f. Have you ever been adjudicated as a mental defective OR have you ever been committed to a mental institution? (See Instructions for Question 11.f.)

☐ ☒

g. Have you been discharged from the Armed Forces under dishonorable conditions?

☐ ☒

h. Are you subject to a court order restraining you from harassing, stalking, or threatening your child or an intimate partner or child of such partner? (See Instructions for Question 11.h.)

☐ ☒

i. Have you ever been convicted in any court of a misdemeanor crime of domestic violence? (See Instructions for Question 11.i.)

☐ ☒

12.a. Country of Citizenship: (Check/List more than one, if applicable. Nationals of the United States may check U.S.A.)

☒ United States of America (U.S.A.)

☐ Other Country/Countries (Specify):

12.b. Have you ever renounced your United States citizenship?

☐ ☒

12.c. Are you an alien illegally or unlawfully in the United States?

☐ ☒

12.d.1. Are you an alien who has been admitted to the United States under a nonimmigrant visa? (See Instructions for Question 12.d.)

☐ ☒

12.d.2. If "yes", do you fall within any of the exceptions stated in the instructions?

☒ N/A

☐ ☐

13. If you are an alien, record your U.S.-Issued Alien or Admission number (AR#, USCIS#, or I94#):

I certify that my answers in 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 transferee/buyer is a crime punishable as a felony under Federal law, 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.i is prohibited from purchasing or receiving a firearm. I understand that a person who answers "yes" to question 12.d.1. is prohibited from receiving or possessing a firearm, unless the person answers "yes" to question 12.d.2. and provides the 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 Federal law. (See Instructions for Question 14.)

14. Transferee's/Buyer's Signature 15. Certification Date

Section B - Must Be Completed By Transferor/Seller

16. Type of firearm(s) to be transferred (check or mark all that apply):
☒ Handgun ☐ Long Gun (rifles or shotguns) ☐ Other Firearm (frame, receiver, etc. See Instructions for Question 16.)

17. If transfer is at a qualifying gun show or event:
 Name of Function: _____
 City, State: _____

18.a. Identification (e.g., Virginia Driver's license (VA DL) or other valid government-issued photo identification.) (See Instructions for Question 18.c.)
 Issuing Authority and Type of Identification: PADL Number on Identification: 24 955 150 Expiration Date of Identification (if any)
 Month: 7 Day: 31 Year: 19

18.b. Supplemental Government Issued Documentation (if identification document does not show current residence address) (See Instructions for Question 18.b.)

18.c. Exception to the Nonimmigrant Alien Prohibition: If the transferee/buyer answered "YES" to 12.d.2. the transferor/seller must record the type of documentation showing the exception to the prohibition and attach a copy to this ATF Form 4473. (See Instructions for Question 18.c.)

Questions 19, 20, or 21 Must Be Completed Prior To The Transfer Of The Firearm(s) (See Instructions for Questions 19, 20 and 21.)

19.a. Date the transferee's/buyer's identifying information in Section A was transmitted to NICS or the appropriate State agency:
 Month: 6 Day: 9 Year: 2017

19.b. The NICS or State transaction number (if provided) was: 17W0308623

19.c. The response initially (first) provided by NICS or the appropriate State agency was:
☒ Proceed ☐ Delayed [The firearm(s) may be transferred on _____ if State law permits (optional)]
☐ Denied ☐ Cancelled

19.d. The following response(s) was/were later received from NICS or the appropriate State agency:
☐ Proceed _____ (date) ☐ Overturned _____
☐ Denied _____ (date)
☐ Cancelled _____ (date)
☐ No response was provided within 3 business days.

19.e. (Complete if applicable.) After the firearm was transferred, the following response was received from NICS or the appropriate State agency on: _____ (date). ☐ Proceed ☐ Denied ☐ Cancelled

19.f. The name and Brady identification number of the NICS examiner. (Optional)
 Name: C (number): _____

19.g. Name of FFL Employee Completing NICS check. (Optional)

20. ☐ No NICS check was required because a background check was completed during the NFA approval process on the individual who will receive the NFA firearm(s), as reflected on the approved NFA application. (See Instructions for Question 20.)

21. ☐ No NICS check was required because the transferee/buyer has a valid permit from the State where the transfer is to take place, which qualifies as an exemption to NICS. (See Instructions for Question 21.)

Issuing State and Permit Type: _____ Date of Issuance (if any): _____ Expiration Date (if any): _____ Permit Number (if any): _____

Section C - Must Be Completed Personally By Transferee/Buyer

If the transfer of the firearm(s) takes place on a different day from the date that the transferee/buyer signed Section A, the transferee/buyer must complete Section C immediately prior to the transfer of the firearm(s). (See Instructions for Question 22 and 23.)

I certify that my answers to the questions in Section A of this form are still true, correct, and complete.

22. Transferee's/Buyer's Signature 23. Recertification Date

Transferor/Seller Continue to Next Page
 STAPLE IF PAGES BECOME SEPARATED

Section D - Must Be Completed By Transferor/Seller Even If The Firearm(s) is Not Transferred

24. Manufacturer and Importer (If any) (If the manufacturer and importer are different, the FFL must include both.)	25. Model (If Designated)	26. Serial Number	27. Type (See Instructions for Question 27.)	28. Caliber or Gauge
1. S+W	Body Guard	KEM 2420	Pistol	380
2. /	/	/	/	/
3. /	/	/	/	/
4. /	/	/	/	/

REMINDER - By the Close of Business Complete ATF Form 3310.4 For Multiple Purchases of Handguns Within 5 Consecutive Business Days

29. Total Number of Firearms Transferred (Please handwritten by printing e.g., zero, one, two, three, etc. Do not use numerals.)	30. Check if any part of this transaction is a pawn redemption. ☐ Line Number(s) From Question 24 Above:
ONE	
31. For Use by Licensee (See Instructions for Question 31.)	32. Check if this transaction is to facilitate a private party transfer. ☐ (See Instructions for Question 32.)
33. Trade/corporate name and address of transferor/seller and Federal Firearm License Number (Must contain at least first three and last five digits of FFL Number X-XX-XXXXX.) (Hand stamp may be used.)	

PHILADELPHIA TRAINING ACADEMY

831-33 Ellsworth St.

Philadelphia, PA 19147

(215) 551-4544 Fax (215) 271-3715

8-23-101-01-5M-05830

The Person Transferring The Firearm(s) Must Complete Questions 34-37.

For Denied/Cancelled Transactions, the Person Who Completed Section B Must Complete Questions 34-36.

I certify that: (1) I have read and understand the Notices, Instructions, and Definitions on this ATF Form 4473; (2) the information recorded in Sections B and D is true, correct, and complete; and (3) this entire transaction record has been completed at my licensed business premises ("licensed premises" includes business temporarily conducted from a qualifying gun show or event in the same State in which the licensed premises is located) unless this transaction has met the requirements of 18 U.S.C. 922(c). Unless this transaction has been denied or cancelled, I further certify on the basis of — (1) the transferee's/buyer's responses in Section A (and Section C, if applicable); (2) my verification of the identification recorded in question 18 (and my re-verification at the time of transfer, if Section C is completed); and (3) State or local law applicable to the firearms business — it is my belief that it is not unlawful for me to sell, deliver, transport, or otherwise dispose of the firearm(s) listed on this form to the person identified in Section A.

34. Transferor's/Seller's Name (Please print)	35. Transferor's/Seller's Signature	36. Transferor's/Seller's Title	37. Date Transferred
JAMES MASTRONI		Sales	6/9/17

NOTICES, INSTRUCTIONS, AND DEFINITIONS

Purpose of the Form: The information and certification on this form are designed so that a person licensed under 18 U.S.C. 923 may determine if he/she may lawfully sell or deliver a firearm to the person identified in Section A, and to alert the transferee/buyer of certain restrictions on the receipt and possession of firearms. The transferor/seller of a firearm must determine the lawfulness of the transaction and maintain proper records of the transaction. Consequently, the transferor/seller must be familiar with the provisions of 18 U.S.C. 921-931 and the regulations in 27 CFR Parts 478 and 479. In determining the lawfulness of the sale or delivery of a rifle or shotgun to a resident of another State, the transferor/seller is presumed to know the applicable State laws and published ordinances in both the transferor's/seller's State and the transferee's/buyer's State. (See ATF Publication 5300.5, State Laws and Published Ordinances.)

Generally, ATF Form 4473 must be completed at the licensed business premises when a firearm is transferred over-the-counter. Federal law, 18 U.S.C. 922(c), allows a licensed importer, manufacturer, or dealer to sell a firearm to a non-licensee who does not appear in person at the licensee's business premises only if the transferee/buyer meets certain requirements. These requirements are set forth in section 922(c), 27 CFR 478.96(b), and ATF Procedure 2013-2.

After the transferor/seller has completed the firearms transaction, he/she must make the completed, original ATF Form 4473 (which includes the Notices, General Instructions, and Definitions), and any supporting documents, part of his/her permanent records. Such Forms 4473 must be retained for at least 20 years and that period may be submitted to ATF. Filing may be chronological (by date position), alphabetical (by name of purchaser), or numerical (by transaction serial number), as long as all of the transferor's/seller's completed Forms 4473 are filed in the same manner.

FORMS 4473 FOR DENIED/CANCELLED TRANSFERS MUST BE RETAINED:

If the transfer of a firearm is denied/cancelled by NICS, or if for any other reason the transfer is not completed after a NICS check is initiated, the licensee must retain the ATF Form 4473 in his/her records for at least 5 years. Forms 4473 with respect to which a sale, delivery, or transfer did not take place shall be separately retained in alphabetical (by name of transferee) or chronological (by date of transferee's certification) order.

If the transferor/seller or the transferee/buyer discovers that an ATF Form 4473 is incomplete or improperly completed after the firearm has been transferred, and the transferor/seller or the transferee/buyer wishes to correct the omission(s) or error(s), photocopy the inaccurate form and make any necessary additions or revisions to the photocopy. The transferor/seller should only make changes to Sections B and D. The transferee/buyer should only make changes to Section A and C. Whoever made the changes should initial and date the changes. The corrected photocopy should be attached to the original Form 4473 and retained as part of the transferor's/seller's permanent records.

Exportation of Firearms: The State or Commerce Departments may require a firearms exporter to obtain a license prior to export. **Warning:** Any person who exports a firearm without proper authorization may be fined not more than \$1,000,000 and/or imprisoned for not more than 20 years. See 22 U.S.C. 2778(c).

Section A

The transferee/buyer must personally complete Section A of this form and certify (sign) that the answers are true, correct, and complete. However, if the transferee/buyer is unable to read and/or write, the answers (other than the signature) may be completed by another person, excluding the transferor/seller. Two persons (other than the transferor/seller) must then sign as witnesses to the transferee's/buyer's answers and signature/certification in question 14.

Cash Register Receipt

SALE

LISA MCELHONE
 50 S 16TH ST UNIT 4408
 PHILADELPHIA, PA 19102
 215-820-8206

PHILA TRAINING ACADEMY
 831-33 ELLSWORTH ST.
 PHILA PA 19147
 (215)551-4544

Clerk: 51 Posted: 6/23/2017 2:01:09 PM Tran #: 23914 Reg #: 1

						PAGE 1
Item #	Description	Price	Ship Qty	Ext Disc	Net Sale	
ADD25	GUN PROCESSING	25.00	1	0.00	25.00	
08244281500	BERETTA 84 FS CHEETAH NICKEL 380ACP	769.00	1	0.00	769.00	
		Log # 29725 Serial # H72038Y				
04369989101	UNC IN-THE-PANT SZ10 BLK RH	14.45	1	2.55	14.45	
					Subtotal	808.45
					Sales Tax 1	62.68
					Total	871.13
					CASH	871.13

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

(2)
B
Firearms Transaction Record

WARNING: You may not receive a firearm if prohibited by Federal or State law. The information you provide will be used to determine whether you are prohibited from receiving a firearm. Certain violations of the Gun Control Act, 18 U.S.C. 921 et. seq., are punishable by up to 10 years imprisonment and/or up to a \$250,000 fine.

Transferor's/Seller's
Transaction Serial
Number (If any)

Read the Notices, Instructions, and Definitions on this form. Prepare in original only at the licensed premises ("licensed premises" includes business temporarily conducted from a qualifying gun show or event in the same State in which the licensed premises is located) unless the transaction qualifies under 18 U.S.C. 922(c). All entries must be handwritten in ink. "PLEASE PRINT."

15185

Section A - Must Be Completed Personally By Transferee/Buyer

1. Transferee's/Buyer's Full Name (If legal name contains an initial only, record "IO" after the initial. If no middle initial or name, record "NMN".)

Last Name (Including suffix (e.g., Jr, Sr, II, III))

First Name

Middle Name

McElhane

Lisa

Marie

2. Current State of Residence and Address (U.S. Postal abbreviations are acceptable. Cannot be a post office box.)

Number and Street Address

City

County

State

ZIP Code

568 Fernside Ln

navertord

Montgomery

PA 1904

3. Place of Birth

U.S. City and State

-OR-

Foreign Country

4. Height

Ft.

In.

5. Weight

(Lbs.)

6. Sex

☐ Male

☒ Female

7. Birth Date

Month

Day

Year

Phila, PA

5

4

140

8. Social Security Number (Optional, but will help prevent misidentification)

9. Unique Personal Identification Number (UPIN) if applicable (See Instructions for Question 9.)

10.a. Ethnicity

☐ Hispanic or Latino

☒ Not Hispanic or Latino

10.b. Race (In addition to ethnicity, select one or more race in 10.b. Both 10.a. and 10.b. must be answered.)

☐ American Indian or Alaska Native

☐ Asian

☐ Black or African American

☐ Native Hawaiian or Other Pacific Islander

☒ White

11. Answer the following questions by checking or marking "yes" or "no" in the boxes to the right of the questions.

a. 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 picking up a repaired firearm(s) for another person, you are not required to answer 11.a. and may proceed to question 11.b. (See Instructions for Question 11.a.)**

Yes

No

☒

☐

b. Are you under indictment or information in any court for a felony, or any other crime for which the judge could imprison you for more than one year? (See Instructions for Question 11.b.)

☐

☒

c. Have you ever been convicted in any court of a felony, or any other crime for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation? (See Instructions for Question 11.c.)

☐

☒

d. Are you a fugitive from justice? (See Instructions for Question 11.d.)

☐

☒

e. Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance? **Warning: The use or possession of marijuana remains unlawful under Federal law regardless of whether it has been legalized or decriminalized for medicinal or recreational purposes in the state where you reside.**

☐

☒

f. Have you ever been adjudicated as a mental defective OR have you ever been committed to a mental institution? (See Instructions for Question 11.f.)

☐

☒

g. Have you been discharged from the Armed Forces under dishonorable conditions?

☐

☒

h. Are you subject to a court order restraining you from harassing, stalking, or threatening your child or an intimate partner or child of such partner? (See Instructions for Question 11.h.)

☐

☒

i. Have you ever been convicted in any court of a misdemeanor crime of domestic violence? (See Instructions for Question 11.i.)

☐

☒

12.a. Country of Citizenship: (Check/List more than one, if applicable. Nationals of the United States may check U.S.A.)

☒ United States of America (U.S.A.)

☐ Other Country/Countries (Specify):

12.b. Have you ever renounced your United States citizenship?

Yes

No

☐

☒

12.c. Are you an alien illegally or unlawfully in the United States?

☐

☒

12.d.1. Are you an alien who has been admitted to the United States under a nonimmigrant visa? (See Instructions for Question 12.d.)

☐

☒

12.d.2. If "yes", do you fall within any of the exceptions stated in the instructions?

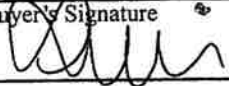
☒ N/A

☐

☐

13. If you are an alien, record your U.S.-Issued Alien or Admission number (AR#, USCIS#, or I94#):

I certify that my answers in 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 transferee/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.1. is prohibited from receiving or possessing a firearm, unless the person answers "yes" to question 12.d.2. and provides the 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 Federal law. (See Instructions for Question 14.)

14. Transferee's/Buyer's Signature  15. Certification Date 1/2/20

Section B - Must Be Completed By Transferor/Seller

16. Type of firearm(s) to be transferred (check or mark all that apply):
☒ Handgun ☒ Long Gun (rifles or shotguns) ☐ Other Firearm (frame, receiver, etc. See Instructions for Question 16.)
 17. If transfer is at a qualifying gun show or event:
 Name of Function: _____
 City, State: _____

18.a. Identification (e.g., Virginia Driver's license (VA DL) or other valid government-issued photo identification.) (See Instructions for Question 18.a.)
 Issuing Authority and Type of Identification PADL Number on Identification 24955 150 Expiration Date of Identification (if any)
 Month 07 Day 31 Year 2023

18.b. Supplemental Government Issued Documentation (if identification document does not show current residence address) (See Instructions for Question 18.b.)

18.c. Exception to the Nonimmigrant Alien Prohibition: If the transferee/buyer answered "YES" to 12.d.2. the transferor/seller must record the type of documentation showing the exception to the prohibition and attach a copy to this ATF Form 4473. (See Instructions for Question 18.c.)

Questions 19, 20, or 21 Must Be Completed Prior To The Transfer Of The Firearm(s) (See Instructions for Questions 19, 20 and 21.)

19.a. Date the transferee's/buyer's identifying information in Section A was transmitted to NICS or the appropriate State agency:
 Month 1 Day 2 Year 2020
 19.b. The NICS or State transaction number (if provided) was: 20W0001022

19.c. The response initially (first) provided by NICS or the appropriate State agency was:
☒ Proceed ☐ Delayed [The firearm(s) may be transferred on _____ if State law permits (optional)]
☐ Denied ☐ Cancelled
 19.d. The following response(s) was/were later received from NICS or the appropriate State agency:
☐ Proceed _____ (date) ☐ Overturned
☐ Denied _____ (date)
☐ Cancelled _____ (date)
☐ No response was provided within 3 business days.

19.e. (Complete if applicable.) After the firearm was transferred, the following response was received from NICS or the appropriate State agency on: _____ (date). ☐ Proceed ☐ Denied ☐ Cancelled

19.f. The name and Brady identification number of the NICS examiner. (Optional) C (name) _____ (number) _____
 19.g. Name of FFL Employee Completing NICS check. (Optional)

20. ☐ No NICS check was required because a background check was completed during the NFA approval process on the individual who will receive the NFA firearm(s), as reflected on the approved NFA application. (See Instructions for Question 20.)
 21. ☐ No NICS check was required because the transferee/buyer has a valid permit from the State where the transfer is to take place, which qualifies as an exemption to NICS. (See Instructions for Question 21.)

Issuing State and Permit Type _____ Date of Issuance (if any) _____ Expiration Date (if any) _____ Permit Number (if any) _____

Section C - Must Be Completed Personally By Transferee/Buyer

If the transfer of the firearm(s) takes place on a different day from the date that the transferee/buyer signed Section A, the transferee/buyer must complete Section C immediately prior to the transfer of the firearm(s). (See Instructions for Question 22 and 23.)

I certify that my answers to the questions in Section A of this form are still true, correct, and complete.

22. Transferee's/Buyer's Signature _____ 23. Recertification Date _____

Transferor/Seller Continue to Next Page
 STAPLE IF PAGES BECOME SEPARATED

Section D - Must Be Completed By Transferor /Seller Even If The Firearm(s) is Not Transferred

24. Manufacturer and Importer (If any) (If the manufacturer and importer are different, the FFL must include both.)	25. Model (If Designated)	26. Serial Number	27. Type (See Instructions for Question 27.)	28. Caliber or Gauge
S&W	M&P 15	TK 91935	RIFLE	5.56
2. S&W	E2380	RDD 0719	Pistol	380ALF
3.				
4.				

REMINDER - By the Close of Business Complete ATF Form 3310.4 For Multiple Purchases of Handguns Within 5 Consecutive Business Days

29. Total Number of Firearms Transferred (Please *handwrite* by printing e.g., zero, one, two, three, etc. **Do not use numerals.**) **Two**

30. Check if any part of this transaction is a pawn redemption.

☐ Line Number(s) From Question 24 Above:

31. For Use by Licensee (See Instructions for Question 31.)

32. Check if this transaction is to facilitate a private party transfer.

☐ (See Instructions for Question 32.)

33. Trade/corporate name and address of transferor/seller and Federal Firearm License Number (Must contain at least first three and last five digits of FFL Number X-XX-XXXXXX) (If bond stamp may be used)

PHILADELPHIA TRAINING ACADEMY

831-33 Ellsworth St.

Philadelphia, PA 19147

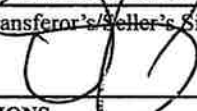
(215) 551-4544 Fax (215) 271-3715

8-23-101-01-1M-05830

The Person Transferring The Firearm(s) Must Complete Questions 34-37.

For Denied/Cancelled Transactions, the Person Who Completed Section B Must Complete Questions 34-36.

I certify that: (1) I have read and understand the Notices, Instructions, and Definitions on this ATF Form 4473; (2) the information recorded in Sections B and D is true, correct, and complete; and (3) this entire transaction record has been completed at my licensed business premises ("licensed premises" includes business temporarily conducted from a qualifying gun show or event in the same State in which the licensed premises is located) unless this transaction has met the requirements of 18 U.S.C. 922(c). Unless this transaction has been denied or cancelled, I further certify on the basis of — (1) the transferee's/buyer's responses in Section A (and Section C, if applicable); (2) my verification of the identification recorded in question 18 (and my re-verification at the time of transfer, if Section C is completed); and (3) State or local law applicable to the firearms business — it is my belief that it is not unlawful for me to sell, deliver, transport, or otherwise dispose of the firearm(s) listed on this form to the person identified in Section A.

34. Transferor's/Seller's Name (Please print) DAVID PAVZA	35. Transferor's/Seller's Signature 	36. Transferor's/Seller's Title Sales	37. Date Transferred 1-2-2020
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NOTICES, INSTRUCTIONS, AND DEFINITIONS

Purpose of the Form: The information and certification on this form are designed so that a person licensed under 18 U.S.C. 923 may determine if he/she may lawfully sell or deliver a firearm to the person identified in Section A, and to alert the transferee/buyer of certain restrictions on the receipt and possession of firearms. The transferor/seller of a firearm must determine the lawfulness of the transaction and maintain proper records of the transaction. Consequently, the transferor/seller must be familiar with the provisions of 18 U.S.C. 921-931 and the regulations in 27 CFR Parts 478 and 479. In determining the lawfulness of the sale or delivery of a rifle or shotgun to a resident of another State, the transferor/seller is presumed to know the applicable State laws and published ordinances in both the transferor's/seller's State and the transferee's/buyer's State. (See ATF Publication 5300.5, *State Laws and Published Ordinances*.)

Generally, ATF Form 4473 must be completed at the licensed business premises when a firearm is transferred over-the-counter. Federal law, 18 U.S.C. 922(c), allows a licensed importer, manufacturer, or dealer to sell a firearm to a nonlicensee who does not appear in person at the licensee's business premises only if the transferee/buyer meets certain requirements. These requirements are set forth in section 922(c), 27 CFR 478.96(b), and ATF Procedure 2013-2.

After the transferor/seller has completed the firearms transaction, he/she must make the completed, original ATF Form 4473 (which includes the Notices, General Instructions, and Definitions), and any supporting documents, part of his/her permanent records. Such Forms 4473 must be retained for at least 20 years and after that period may be submitted to ATF. Filing may be chronological (by date of disposition), alphabetical (by name of purchaser), or numerical (by transaction serial number), as long as all of the transferor's/seller's completed Forms 4473 are filed in the same manner.

FORMS 4473 FOR DENIED/CANCELLED TRANSFERS MUST BE RETAINED:

If the transfer of a firearm is denied/cancelled by NICS, or if for any other reason the transfer is not completed after a NICS check is initiated, the licensee must retain the ATF Form 4473 in his/her records for at least 5 years. Forms 4473 with respect to which a sale, delivery, or transfer did not take place shall be separately retained in alphabetical (by name of transferee) or chronological (by date of transferee's certification) order.

If the transferor/seller or the transferee/buyer discovers that an ATF Form 4473 is incomplete or improperly completed after the firearm has been transferred, and the transferor/seller or the transferee/buyer wishes to correct the omission(s) or error(s), photocopy the inaccurate form and make any necessary additions or revisions to the photocopy. The transferor/seller should only make changes to Sections B and D. The transferee/buyer should only make changes to Section A and C. Whoever made the changes should initial and date the changes. The corrected photocopy should be attached to the original Form 4473 and retained as part of the transferor's/seller's permanent records.

Exportation of Firearms: The State or Commerce Departments may require a firearms exporter to obtain a license prior to export. **Warning:** Any person who exports a firearm without proper authorization may be fined not more than \$1,000,000 and/or imprisoned for not more than 20 years. See 22 U.S.C. 2778(c).

Section A

The transferee/buyer must personally complete Section A of this form and certify (sign) that the answers are true, correct, and complete. However, if the transferee/buyer is unable to read and/or write, the answers (other than the signature) may be completed by another person, excluding the transferor/seller. Two persons (other than the transferor/seller) must then sign as witnesses to the transferee's/buyer's answers and signature/certification in question 14.