

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA)

v.)

ROBERT HUNTER BIDEN,)

Defendant.)

Criminal Action No. 23-00061-MN

REDACTED

INDICTMENT

FILED

The Grand Jury for the District of Delaware charges that:

SEP 14 2023

Introduction and Background

U.S. DISTRICT COURT DISTRICT OF DELAWARE

At times material to this Indictment:

1. Company 1, located in Wilmington, Delaware, possessed a federal firearms license ("FFL") and was authorized to deal in firearms under federal laws.

2. FFL holders are licensed, among other things, to sell firearms and ammunition. Various rules and regulations, promulgated under the authority of Chapter 44, Title 18, United States Code, govern the manner in which FFL holders are permitted to sell firearms and ammunition.

3. The rules and regulations governing FFL holders require that a person seeking to purchase a firearm fill out a Firearm Transaction Record, ATF Form 4473 ("Form 4473"). Part of the Form 4473 requires that the prospective purchaser certify that all his or her answers on the Form 4473 are true and correct.

4. Question 11.e. of the Form 4473 requires that the prospective purchaser certify truthfully that he or she is not an unlawful user of, or addicted to, any stimulant,

narcotic drug, or any other controlled substance. In the certification section of the Form 4473, the actual buyer must certify that his or her answers to the questions on the form are “true, correct, and complete.” The actual buyer must also acknowledge by his or her signature that “I understand that a person who answers ‘yes’ to [Question 11.e.] is prohibited from purchasing or receiving a firearm” and “making any false oral or written statement . . . is a crime punishable as a felony under Federal law, and may also violate State and/or local law.”

5. FFL holders are required by law to maintain a record, in the form of a completed Form 4473, of the identity of the actual buyer of firearms sold by the FFL holder, including the buyer’s home address and date of birth.

COUNT ONE

6. Paragraphs 1 through 5 of this Indictment are re-alleged herein.

7. On or about October 12, 2018, in the District of Delaware, the defendant, Robert Hunter Biden, in connection with the acquisition of a firearm, that is, a Colt Cobra 38SPL revolver with serial number RA 551363 from Company 1, licensed under the provisions of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious written statement, intended and likely to deceive that dealer with respect to a fact material to the lawfulness of the sale of the firearm under the provisions of Chapter 44, Title 18, United States Code, in that defendant, Robert Hunter Biden, provided a written statement on Form 4473 certifying he was not an unlawful user of, and addicted to, any stimulant, narcotic drug, and any other controlled substance, when in fact, as he knew, that statement was false and fictitious.

In violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

The Grand Jury for the District of Delaware further charges that:

COUNT TWO

8. Paragraphs 1 through 5 of this Indictment are re-alleged herein.

9. On or about October 12, 2018, in the District of Delaware, the defendant, Robert Hunter Biden, in connection with the acquisition of a firearm, that is, a Colt Cobra 38SPL revolver with serial number RA 551363, knowingly made a false statement and representation to Company 1, licensed under the provisions of Chapter 44, Title 18, United States Code, with respect to information required by the provisions of Chapter 44, Title 18, United States Code, to be kept in the FFL holder's records, in that defendant, Robert Hunter Biden, certified on the Form 4473 that he was not an unlawful user of, and addicted to, any stimulant, narcotic drug, and any other controlled substance, when in fact, as he knew, that statement was false and fictitious.

In violation of Title 18, United States Code, Section 924(a)(1)(A).

The Grand Jury for the District of Delaware further charges that:

COUNT THREE

10. Paragraphs 1 through 5 of this Indictment are re-alleged herein.

11. On or about October 12, 2018, through on or about October 23, 2018, in the District of Delaware, the defendant Robert Hunter Biden, knowing that he was an unlawful user of and addicted to any stimulant, narcotic drug, and any other controlled substance as defined in Title 21, United States Code, Section 802, did knowingly possess a firearm, that is, a Colt Cobra 38SPL revolver with serial number RA 551363, said firearm having been shipped and transported in interstate commerce.

In violation of Title 18, United States Code, Sections 922(g)(3) and 924(a)(2) (2018).

A TRUE BILL:

Foreperson

DAVID C. WEISS
SPECIAL COUNSEL
UNITED STATES DEPARTMENT OF JUSTICE

By: 
Derek E. Hines
Leo J. Wise
Assistant Special Counsels

Dated: September 14, 2023