

FILED

1541

MAR 21 2017

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

UNITED STATES OF AMERICA)
)
)
 v.)
)
 ERIK DAVID LOWRY)

Criminal No. 17-79

(26 U.S.C. § 5861(d); 18 U.S.C.
§ 1512 (b)(1); and 18 U.S.C.
§ 1512(b)(2)(B))

INFORMATION

COUNT 1

The United States Attorney charges:

From in and around the summer of 2015, and continuing until on or about January 19, 2016, in the Western District of Pennsylvania, the defendant, ERIK DAVID LOWRY, did knowingly and unlawfully possess a firearm, as defined in Title 26, United States Code, Sections 5845(a)(8) and (f)(2), which was not registered to him in the National Firearms Registration and Transfer Record, specifically a destructive device, described more fully as a Penn Arms Striker 12 military-style 12 gauge weapon with a drum magazine, not suitable for sporting purposes, and bearing serial number 11170.

In violation of Title 26, United States Code, Section 5861(d).

COUNT 2

The United States Attorney further charges:

From on or about January 19, 2016, and continuing until on or about March 31, 2016, in the Western District of Pennsylvania and elsewhere, the defendant, ERIK DAVID LOWRY, did knowingly and corruptly persuade A.G. with the intent to influence his testimony in an official proceeding: that is; knowing that official proceedings involving the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) would be negatively affected, the defendant, ERIK DAVID LOWRY, invented a false story about the date, time and circumstances surrounding the acquisition of a Penn Arms Striker 12 military-style 12 gauge weapon with a drum magazine, not suitable for sporting purposes, and bearing serial number 11170, by ERIK DAVID LOWRY, in order to ensure that A.G. and ERIK DAVID LOWRY would provide the same false story when asked for information and testimony regarding this matter.

In violation of Title 18, United States Code, Sections 1512(b)(1).

COUNT 3

The United States Attorney further charges:

On or about January 19, 2016, in the Western District of Pennsylvania and elsewhere, the defendant, ERIK DAVID LOWRY, did knowingly and corruptly attempt to persuade persons known to the United States Attorney, with the intent to cause and induce those persons to destroy and conceal an object to impair the object's integrity and availability for use in an official proceeding; that is, knowing that official proceedings involving the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) would be negatively affected, the defendant contacted several people in an effort to persuade them to remove or destroy a Penn Arms Striker 12 military-style 12 gauge weapon with a drum magazine, not suitable for sporting purposes, and bearing serial number 11170; including ERIK DAVID LOWRY requesting that the weapon be removed from a gun safe in the business premises of the Pittsburgh Tactical Firearms store he owned and thrown in a dumpster in an effort to thwart the aforesaid investigation and official proceedings.

In violation of Title 18, United States Code, Section 1512(b)(2)(B).

FORFEITURE ALLEGATIONS

1. The United States Attorney re-alleges and incorporates by reference the allegations contained in Counts One through Three of this Information for the purpose of alleging criminal forfeiture pursuant to Title 18, United States Code, Section 924(d), and Title 28, United States Code, Section 2461(c).

2. As a result of the commission of the violation of Title 26, United States Code, Section 5861(d) as charged in Count One of this Information, the following firearm, which was involved in the knowing commission of the offense, is subject to forfeiture pursuant to Title 18, United States Code, Section 924(d)(1):

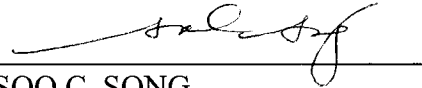
- a. a destructive device, described more fully as a Penn Arms Striker 12 military-style 12 gauge weapon with a drum magazine, not suitable for sporting purposes, and bearing serial number 11170.

3. If, through any act or omission by the defendant, ERIK DAVID LOWRY, the property described in paragraph 2 above (hereinafter the "Subject Property"):

- a. Cannot be located upon the exercise of due diligence;
- b. Has been transferred, sold to, or deposited with a third person;
- c. Has been placed beyond the jurisdiction of the Court;
- d. Has been substantially diminished in value; or
- e. Has been commingled with other property which cannot be subdivided without difficulty,

the United States intends to seek forfeiture of any other property of the defendant, ERIK DAVID LOWRY, up to the value of the Subject Property forfeitable above pursuant to Title 18, United

States Code, Section 924(d); and Title 28, United States Code, Section 2461(c).

A handwritten signature in black ink, appearing to read 'Soo C. Song', is written over a horizontal line.

SOO C. SONG
Acting United States Attorney
DC ID No.: 457268

AO 455 (Rev. 01/09) Waiver of an Indictment

UNITED STATES DISTRICT COURT

for the

Western District of Pennsylvania

United States of America

v.

ERIK DAVID LOWRY

Defendant

)
)
)
)
)

Case No.

17-79

WAIVER OF AN INDICTMENT

I understand that I have been accused of one or more offenses punishable by imprisonment for more than one year. I was advised in open court of my rights and the nature of the proposed charges against me.

After receiving this advice, I waive my right to prosecution by indictment and consent to prosecution by information.

Date: _____

Defendant's signature

Signature of defendant's attorney

Printed name of defendant's attorney

Judge's signature

Judge's printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

ERIK DAVID LOWRY

Criminal No. 17-79

ARRAIGNMENT PLEA

Defendant Erik David Lowry

being arraigned, pleads _____

in open Court this _____ day of

_____, 20 _____

(Defendant's Signature)

(Attorney for Defendant)

17-79

CRIMINAL CASE INFORMATION SHEET

Pittsburgh X Erie _____ Johnstown _____

Related to No. _____ Judge _____
(All criminal prosecutions arising out of the same criminal transaction or series of transactions are deemed related).

- CATEGORY: 1. _____ Narcotics and Other Controlled Substances
 1a. _____ Narcotics and Other Controlled Substances
 (3 or more Defendants)
 2. _____ Fraud and Property Offenses
 2a. _____ Fraud and Property Offenses
 (3 or more Defendants)
 3. _____ Crimes of Violence
 4. _____ Sex Offenses
 5. X Firearms and Explosives
 6. _____ Immigration
 7. _____ All Others

Defendant's name: Erik David Lowry

Is Indictment waived: X Yes _____ No

Pretrial Diversion: _____ Yes X No

Juvenile proceeding: _____ Yes X No

Defendant is: X Male _____ Female

Superseding Indictment or Information _____ Yes X No

Previous case number: _____

If superseding, previous case was/will be:

- _____ Dismissed on defendant's motion
 _____ Dismissed on governments' motion
 _____ After appellate action
 _____ Other (explain)

County in which first offense cited occurred: Allegheny County

Previous proceedings before Magistrate Judge: _____

Case No.: _____

PLEASE INCORPORATE MAGISTRATE CASE WITH CRIMINAL CASE

