**14.8 Firearms—False Statement or Identification in Acquisition**

**or Attempted Acquisition (18 U.S.C. § 922(a)(6))**

 The defendant is charged in [Count \_\_\_\_\_\_\_ of] the indictment with [making a false statement] [giving false identification] in [[acquiring] [attempting to acquire]] [*specify firearm*] in violation of Section 922(a)(6) of Title 18 of the United States Code. For the defendant to be found guilty of that charge, the government must prove each of the following elements beyond a reasonable doubt:

 First, [*specify seller*] was a licensed firearms [dealer] [importer] [manufacturer] [collector];

 Second, in connection with [acquiring] [attempting to acquire] a [*specify firearm*] from [*specify seller*], the defendant [made a false statement] [furnished or exhibited false identification];

 Third, the defendant knew the [statement] [identification] was false; and

 Fourth, the false [statement] [identification] was material; that is, the false [statement] [identification] had a natural tendency to influence or was capable of influencing [*specify seller*] into believing that the [*specify firearm*] could be lawfully sold to the defendant.

**Comment**

 As to the fourth element of this instruction, the identity of the “actual” buyer is material to the lawfulness of the sale of a firearm. *Abramski v. United States*, 573 U.S. 169, 179 (2014). A “straw” buyer’s false indication on ATF gun sales Form 4473 that he is the “actual” buyer is material, even if the true buyer was legally eligible to own the firearm. *Id.* at 189-90; *see also* *United States v. Manney*, 114 F.4th 1048, 1053-54 (9th Cir. 2024) (holding that *Abramksi* foreclosed the defendant’s argument that her statement falsely claiming to be the actual purchaser was immaterial because the true buyer could legally possess a firearm).

 *Revised November 2024*