

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the District of Maryland

United States of America
v.
AARON JOSHUA LAWLESS
41281 Road 770
Gothenburg, Nebraska 69138

Case No. 11-1736C

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 17, 2007 in the county of Montgomery in the District of Maryland, the defendant(s) violated:

Code Section
18 U.S.C. § 704

Offense Description
did knowingly and unlawfully falsely represent himself, verbally and in writing, to have been awarded a decoration and medal authorized by Congress for the armed forces of the United States and service medals awarded to the members of such forces, to wit: Purple Hearts, Silver Stars, Bronze Stars with a V-Device

This criminal complaint is based on these facts:
See attached affidavit.

Continued on the attached sheet.

[Handwritten signature of John P. Cooney]

Complainant's signature

S.A. John P. Cooney, BATFE
Printed name and title

Sworn to before me and signed in my presence.

Date: 01/04/2011 3:00 p.m.

[Handwritten signature of William Connelly]

Judge's signature

City and state: Greenbelt, Maryland

William Connelly, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT

John P. Cooney, Special Agent, United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, being duly sworn on oath, deposes and states:

- a) This affidavit seeks the authority to arrest LAWLESS, Aaron Joshua Dob: 4/16/1985, SSN: 508-23-0556, for violation of Title 18, USC 704(c) Stolen Valor Act. Residing at 41281 Road 770, Gothenburg, Nebraska 69138.
- b) Your affiant is a Special Agent (SA) employed by the Bureau of Alcohol, Tobacco and Firearms (ATF), United States Department of Justice, and has been so employed since August 2002. As such, your affiant is empowered to conduct investigations and make arrests for offenses against the laws of the United States of America. Prior to that date, your affiant was employed as a Police Officer with the City of Alexandria, Virginia Police Department from July 2001 to August 2002. During this time, your affiant has conducted and/or participated in numerous investigations related to various criminal activities.

Based on your affiant's training and experience as an ATF Special Agent, your affiant knows:

- a) That it is unlawful for persons to make fraudulent claims surrounding receipt of the Medal of Honor, the Distinguished-Service Cross, the Air Force Cross, the Navy Cross, the Purple heart, or any other medal or decoration awarded by Congress or the armed forces that damage the reputation and meaning of these medals, as stated in the Stolen Valor Act of 2005, Title 18 United States Code, Section 704.
- b) That it is unlawful for persons to make fraudulent claims about receipt of military medals- Whoever falsely represents himself or herself, verbally or in writing, to have been awarded any decoration or medal authorized by Congress for the armed forces of the United States, or any of the service medals or badges awarded to the members of such

forces, or the ribbon, button, or rosette of any such badge, decoration or medal, or any colorable imitation thereof shall be fined under this title or imprisoned not more than six months, or both and,

- c) That it is unlawful in amended Section 704(5)(d) for persons to make fraudulent claims Other Medals- if a decoration or medal involved in an offense under subsection (a) or (b) is a Distinguished Service Cross awarded under the Section 3742 of title 10, an Air Force Cross awarded under Section 8742 of section 10, a Navy Cross awarded under section 6242 of title 10, a Silver Star awarded under section 3746, 6244, 8746 of Title 10, or a Purple Heart awarded under Section 1129 to Title 10, or any replacement or duplicate medal as authorized by statute, in lieu of the punishment provided in that subsection, the offender shall be fined under this title, imprisoned not more than 1 year or both.

The information contained in this affidavit was developed during an investigation conducted by ATF SA Paul White in the ATF Omaha Field Office, District of Nebraska.

Beginning in or around May 2010, SA Paul White began to receive information and evidence relating to LAWLESS, Aaron J. in having violated the Stolen Valor Act of 2005. The following information and evidence relating to this investigation were developed:

1. SA Paul White conducted a telephonic interview with Gary Fletcher, Vice President of Marketing for Glock Inc. During this interview it was determined that in 2008, Glock Inc. awarded LAWLESS, Aaron J. with the 2008 Glock Hero award, which is given to one U.S. soldier or U.S. Law Enforcement Officer who has demonstrated great courage and actions in their duties. Fletcher stated that this award consisted of LAWLESS being awarded two Glock pistols, round trip plane tickets and hotel accommodations to Las Vegas for the 2008 Shot Show held in Las Vegas. Fletcher stated that LAWLESS was given this award due to his statements and claims as having been awarded the following medals:

- a. While enlisted as a U.S. Marine, LAWLESS claimed to be served in Ramadi, Iraq when he was struck by shrapnel during a Rocket Propelled Grenade (RPG) attack having been awarded his first Purple Heart. Also, During this same incident, LAWLESS claimed to have been awarded a Bronze Star with "V" device for Valor.
 - b. While enlisted as a U.S. Marine, LAWLESS claimed to be serving in Fallujah, Iraq when he was shot in the buttocks and in the leg having been awarded with his second Purple Heart.
 - c. While enlisted in the U.S. Army after having left the Marines, LAWLESS claimed to have served in Bayji, Iraq on November 19, 2005 when he was hit by a road side bomb Improvised Explosive Device (IED) receiving injuries from shrapnel to his face and head having received his third Purple Heart. Also, During this same incident, LAWLESS claimed to have been awarded the Silver Star for his heroic actions.
 - d. While enlisted in the U.S. Army, LAWLESS claimed to have served in Bayji, Iraq on February 21, 2006 when he was awarded his second Bronze Star with "V" device for Valor for leading his squad into combat.
 - e. While enlisted in the U.S. Army, LAWLESS claimed to have served in Baja, Iraq on July 12, 2006 when he was struck by an IED while on patrol having received shrapnel to his brain stem resulting in having been awarded his fourth Purple Heart.
2. SA Paul White conducted a telephonic interview with Michael McAvoy, Sales and Marketing Representative for Glock Inc. During this interview, McAvoy stated that he

was working in Silver Spring, Maryland at Atlantic Guns located at 944 Bontifant St., on March 17, 2007 for a Glock Day Event as a marketing event. Atlantic Guns is a Federally Licensed Firearms Dealer in Silver Spring, Maryland. McAvoy stated that he was introduced to LAWLESS as well as other employees of the business. LAWLESS was working at the business part time. McAvoy stated that as he and LAWLESS conversed, LAWLESS began to tell McAvoy verbally of his claims of receiving several Purple Hearts, a Silver Star and two Bronze Stars with "V" devices. McAvoy stated that these claims were backed up verbally by other employees of the business to include the owner of Atlantic Guns, Steven Schneider. McAvoy, based upon these claims by LAWLESS, thought that LAWLESS would make a good candidate for the annual Glock Hero Award. McAvoy stated that he had LAWLESS write his claims up in written form and forward them to Glock, this written form was later provided by LAWLESS indicating the same claims of being awarded one Silver Star, four Purple Hearts and two Bronze Stars with "V" devices as previously claimed to McAvoy in March of 2007.

3. SA Paul White conducted a telephonic interview with Steven Schneider, owner of Atlantic Guns located at 944 Bontifant St. Silver Spring, Maryland. Schneider stated that he would normally hire military personnel as temporary workers in his business from nearby Walter Reed Hospital. For several months, Schneider hired LAWLESS on a part time basis to help around the shop while LAWLESS was recovering from combat injuries at Walter Reed Hospital, as claimed by LAWLESS. Schneider stated that LAWLESS made verbal claims to him as well as other employees of being awarded a Silver Star, four Purple Hearts, and two Bronze Stars with "V" devices, all of them having believed LAWLESS actually earned these medals. Schneider stated he was deeply disappointed to find out that LAWLESS had not received any such awards and felt taken advantage of, as well as his employees. Schneider stated that a makeshift ceremony was conducted at his business in Silver Spring, Maryland during March 14th and 15th of 2008 during the annual Glock Days Event marketing venue held at his business which is held every year. During this event, Schneider honored LAWLESS. Glock provided marketing aids to include a large poster board in which Glock representatives and LAWLESS posed in front of

during this event. This poster board consisted of a photo of LAWLESS, Vice President of Glock Josh Dorsey and actor and former Marine Gunnery Sgt. R. Lee Arme and the Silver Star, four Purple Hearts and two Bronze Stars. Schneider stated that LAWLESS was awarded two Glock pistols that were delivered from Glock Inc. to his business at Atlantic Guns in Silver Spring, Maryland. Schneider stated that one of the pistols had been engraved with "Sgt. Aaron Lawless 2008 Glock Hero". LAWLESS filled out an ATF Form 4473 for the two pistols and took possession of them as the award from Glock at the place of business, Atlantic Guns.

4. SA Paul White conducted a telephonic interview with Shelby Becker, Marketing representative of Glock Inc. Becker stated that she was contacted by Glock Representative Michael McAvoy in mid 2007 and advised that he had met LAWLESS and was told of claims made by LAWLESS to McAvoy in March of 2007. McAvoy indicated that LAWLESS would make a good candidate for the 2008 Glock Hero Award. With this information, Becker received a copy of the claims made by LAWLESS prepared by LAWLESS and provided to McAvoy which was forwarded to Becker. Becker took the written version provided by LAWLESS and made grammatical corrections, confirmed by LAWLESS, to the story and produced the marketing poster board biography used for the award, as a marketing tool. Becker stated that LAWLESS was later flown to Las Vegas, Nevada for the 2008 Shot Show. This award cost Glock Inc. the following expenditures:

- a. Round trip airfare for LAWLESS and his wife: \$788.58.
- b. Lodging expenses for LAWLESS and his wife: \$1,629.55
- c. Glock model 17, Semi-auto pistol, Serial# KFU999: \$363.00
- d. Glock model 19, Semi-auto pistol, Serial# LZW712: \$384.78
- e. Glock Hero Award crystal glass trophy: \$340.00

Becker stated that the two Glock pistols were shipped to the address of Atlantic Guns at 944 Bontifant St. Silver Spring, Maryland and were taken into possession of LAWLESS at that place of business.

5. SA Paul White received a copy of an investigation report by the Federal Bureau of Investigation SA Michael Wagoner of Grand Island, Nebraska in which he conducted a

telephonic interview with Josh Dorsey, VP of Glock Inc. In this interview with Dorsey, Dorsey stated that he met LAWLESS at the 2008 Shot Show held in Las Vegas in early 2008 in which he went over the story and claims made by LAWLESS as shown in the Biography provided by LAWLESS as to his claims of one Silver Star, four Purple Hearts and two Bronze Stars with "V" device for Valor. During this interview by Dorsey with LAWLESS, LAWLESS verbally again asserts that all the claims made by LAWLESS of military awards and combat injuries were true and correct. This resulted in Dorsey along with LAWLESS being on stage in front of several hundred persons to be introduced as the 2008 Glock Hero Award recipient during this particular marketing event.

6. SA Paul White made an official request for copies of LAWLESS's military records to include his DD214 Certificate of Release or Discharge from Active Duty. SA White received a copy of DD214 in the name of LAWLESS, Aaron Joshua, Dob: 4/16/1985, Social Security number 508-23-0556 showing that LAWLESS was enlisted in the U.S. Marines for active service from 5/27/2003 through 6/30/2003 for a total of thirty five days. Additional military records obtained show that he was cited by the U.S. Marine Corps with Entry Level Separation for Defective Enlistment-Fraudulent Enlistment by not properly disclosing a pre-service right knee injury. LAWLESS was then discharged from the U.S. Marine Corps. These records would show that LAWLESS, at no time served with the U.S. Marine Corps outside of basic training nor did he serve overseas in any combat capacity with the U.S. Marines in Iraq during the times in which he claimed. The DD214 for his short service in the U.S. Marines shows LAWLESS having received no awards to include the first two Purple Hearts and his first Bronze Star with "V" device as LAWLESS verbally claimed to his employer, fellow employees and Glock representatives as having been awarded.

7. SA Paul White received a second copy of DD214 Certificate of Release or Discharge from Active Duty for the service time of LAWLESS, Aaron Joshua, Dob: 4/16/1985, Social Security number 508-23-0556 in the U.S. Army. The dates of service by LAWLESS with the

U.S. Army included 3/23/2005 through 9/23/2008. This DD214 shows that LAWLESS received the following awards during his service in the U.S. Army:

- a. Army Commendation Medal
 - b. Army Good Conduct Medal
 - c. National Defense Service Medal
 - d. Global War on Terrorism Service Medal
 - e. Army Service Ribbon
 - f. Combat Infantry Badge, copy of orders provided by LTC Kerbuski not listed on his DD214. Nothing further.
8. SA Paul White, working jointly with Veterans Administration (VA) Investigator Dan White into the claims made by LAWLESS, determined that there are no Official Combat Injury reports on LAWLESS being injured by any combat related attacks on record with the U.S. Military or VA. Investigator Dan White contacted and interviewed Lieutenant Colonel (LTC) Pat L. Kerbuski who at the time was the Deputy Chief of Staff for the 101st Airborne Division (April 2005-July 2007). LTC Kerbuski was responsible for the management and processing of all awards and managing all casualty data within this organization. That included LTC Kerbuski and his staff having received and processed all awards requiring a two star General or higher approval. These awards would have included the Silver Star, Bronze Star and Purple Heart (only exception to this process was in the case of a Soldier being killed in action, then the higher Headquarters processed the awards). All casualty reports were sent to LTC Kerbuski and his staff in which they would track and report the status of each report to the command. LTC Kerbuski conducted a check and determined that during this time period that LAWLESS was in Iraq, neither a Silver Star, Bronze Star, or Purple Heart was processed or approved for SPC LAWLESS. LTC Kerbuski stated that SPC LAWLESS was listed one time on a casualty report in a Disease non battle injury status and was evacuated from Iraq due to the seriousness of his issue (Severe Headaches). LTC Kerbuski stated that the casualty report was not a report due to hostile fire or engagement with the enemy. This casualty

report was for July 2006, resulting in SPC LAWLESS being evacuated from Iraq to Walter Reed Hospital. There are no other Casualty Reports for LAWLESS with the U.S. Military. LTC Kerbuski also advised that LAWLESS ended his time at the rank of Specialist (SPC) instead of the rank of Sergeant (SGT) as claimed by LAWLESS.

9. SA White received copies of numerous medical records provided by the U.S. Federal District Court in Nebraska. These records were released by Federal Court Judge Richard Kopf which were provided to the federal court by LAWLESS and his Defense Attorney in a previous federal case involving LAWLESS. These medical records show that on or near the date of July 12, 2006, LAWLESS complained of headaches and memory loss (Non-Battle Illness (NBI)) and therefore was medically evacuated from Iraq to Germany and eventually on to Walter Reed Hospital in Virginia. At his arrival at Walter Reed Hospital, LAWLESS received a MRI brain scan and was diagnosed with a pre-existing brain lesion that was removed shortly thereafter. The removal of this lesion caused LAWLESS to remain at Walter Reed till his release from the military on August 23, 2008. SA White also received military medical records created after the removal of the brain lesion where LAWLESS provided doctors with statements, at Walter Reed Hospital and in subsequent doctor's visits after his release from the military, that he was involved in several IED and RPG attacks receiving numerous combat related injuries. These fraudulent statements eventually became part of LAWLESS's official military record with no oversight from Walter Reed doctors as to whether LAWLESS's claimed injuries actually occurred resulting in substantial benefits being paid to LAWLESS for fraudulent injuries, by the U.S. Government. The complaint of headaches and memory loss of LAWLESS, due to a pre-existing condition, occurred on the date that LAWLESS claimed to have been hit by an IED Attack causing shrapnel wounds to his brain stem. This injury in which LAWLESS claims to have been awarded his fourth and final Purple Heart.
10. This investigation is believed to show probable cause to believe that LAWLESS, Aaron Joshua committed the crime of violating the Stolen Valor Act of 2005, by his fraudulent

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verbal statements to his employer, fellow employees, and representatives of Glock Inc. as to having been awarded a Silver Star, two Bronze Stars with "V" devices for Valor and four Purple Hearts. These fraudulent statements resulted in LAWLESS receiving items of monetary value to include two Glock pistol handguns, defrauding Glock Inc., the U.S. Government as well as the men and women of the U.S. Armed Forces.

k) This affiant states that the above statements and facts are true and correct to the best of my knowledge, information and belief. It is requested that an arrest warrant be issued for LAWLESS, Aaron Joshua based on probable cause, and evidence obtained during this investigation.



John P. Cooney, 443-324-0624
Special Agent, Bureau of Alcohol,
Tobacco, Firearms and Explosives

Subscribed and sworn by me this 4th day of January, 2011.


U.S. MAGISTRATE JUDGE

Sgt. Aaron Lawless Bio

Aaron Lawless is one of an endless list of young men and women that have answered their nations call. We feel Aaron's story needs to be told. Aaron joined the Marine Corp on April 17, 2002, the day after his 17th birthday and the Army in March of 2005.

He is currently stationed at the Walter Reed Army Medical Center in Washington D.C.. He is there recovering from wounds received on July 12, 2006. What makes Aarons story so remarkable is that during Aaron's time in the military, he has received four Purple Hearts, two Bronze Stars with V-Devices and one Silver Star. From 2002 until now, Aaron has had the opportunity to serve in both the United States Marine Corp and the Untied States Army, but it wasn't his decision to serve in both branches of military.

As a Marine, Aaron received his first two Purple Hearts in Fallujah and Ramadi, Iraq. While on patrol in Ramadi Aaron received his first Purple Heart when a piece of shrapnel hit him in the right leg and debris peppered up his right side from an RPG (rocket propelled grenade). During the same incident, he was awarded a Bronze Star with a V-Device for being part of a fire team that flanked the enemy while medical procedures were being performed on victims of an IED (improvised explosive device).

His second Purple Heart came from a machine gun blast as he was running across a street in Fallujah. He waited for the machine gunner to reload before he returned fire and ran across the street. To Aaron's surprise the machine gunner did not reload - he decided to take a break to let his firearm cool. When Aaron finally ran across the street, the machine gunner caught him with a couple of rounds of belt fed ammo. One passed through his buttock and a second is lodged in his left thigh just under the skin.

As he neared the end of his recuperation period, the Marines informed Aaron that he would not get back into the action for another two years. It was at this time that Aaron decided he would leave the Marine Corps and search out another branch of service. Soon Aaron found himself in front of an Army recruiter and they were more than ready to accept this squared away young man. His third Purple Heart and Silver Star came during his time with the Army. On November 19, 2005, he was lead gunner on a patrol in Bayji, Iraq. His patrol was driving down Smuggler's Road outside of town. Humvees began to approach from the north. This happened to be Bravo Company from the same base as Aaron's. As they neared, the two gunners stood up to let each other know who they were. As they got about 25 yards from one another, a bomb exploded instantly killing all but one man in the opposite humvee. Aaron was struck in the face and head by a tire and a piece of shrapnel. He flew out of the turrent and landed on the side of the road. His humvee landed next to a secondary IED that also detonated and ended up killing the remaining men inside. After the explosion, Aaron woke up on the ground to the sound of gunfire. He got up and ran to the safest place he could reach which was the crater of the first IED that had gone off. Over 1000 lbs. of naked RDX high-explosive, three .155 millimeter artillery shells and one anti-tank mine had blown a hole nearly 12ft wide and 8ft deep in the ground. Aaron searched and could not find his weapon, so he found an M4 with the butt stock blown off. The operating tube was still in tact, so he returned fire and got out of the crater to search for survivors. Under a piece of metal, Aaron found PFC Adam Millett, a medic from the other vehicle. Adam had both legs and arms broken as well as numerous broken ribs and was nearly missing an ear. Aaron fixed Adam up the best he could and ran him back into the humvee. Aaron gunned all the way back to the base and was hit by another IED, breaking his nose. Aaron received the Purple Heart and Silver Star that day for being hit in the head with a piece of Shrapnel and still managed to perform first care on the survivor and run him back to the trucks safely.

On February 21st, 2006, Sgt. Lawless led a sniper team of six men into Bayji, Iraq under the cover of darkness. Their mission was to gather intel on a certain street that was notorious for insurgents setting up nasty IED's and hasty ambushes on convoys headed to the Kurdish compound. Their informant gave them intel that two wanted men would be in the sector near their position and were meeting in a cafe across the street. One of our troops made a positive ID on one of the men and moments later gunfire erupted. More than an hour and a half later, the fight was over. The whole team had escaped unscathed and 23 enemy combatants had been killed including the two targets. Sgt. Lawless was awarded a bronze Star with a V-Device leading his team in a fight against a far superior enemy force and completing the objective with no casualties.

Aaron's fourth and last Purple Heart was received on July 12, 2006. Sgt. Lawless was gunning on a humvee on a Routine combat patrol in Baja, Iraq. As the vehicle pulled off the side of the road, a bomb went off that knocked Sgt. Lawless out instantly. After the fighting stopped, the medic thought that Aaron was dead. He was loaded into the helicopter as life saving procedures were started. The crew chief tried for a long time but eventually gave up trying to give life support to Sgt. Lawless. Seconds after they covered him up with a blanket, his hand started moving and he groaned a bit. He was immediately started on life support and was flown to Balad military hospital in Bagdad. There emergency surgery was performed to remove the shrapnel from his brainstem and to repair his damaged vertebrae. When doctors performed a CT scan to see if they had retrieved all the shrapnel, they made a startling discovery. He had a tumor growing in the top of his head that was the size of a tangerine. Aaron was flown to Germany and then to the United States to Walter Reed Medical Center where he is still stationed today.



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