

**COUNTY OF SUFFOLK  
DISTRICT ATTORNEY'S OFFICE**



**THOMAS J. SPOTA  
DISTRICT ATTORNEY**

February 2, 2012

**Gun shop owner faces weapons possession charges; Had arms stockpile in unlocked garage**

A 67 year old Suffolk gun shop owner faces weapons possession and other charges in a 20-count indictment following the execution of search warrants by DA Squad detectives at his East Patchogue house and his Bohemia gun store, "Guns & Ammo", Suffolk County District Attorney Thomas Spota announced today.

District Attorney Spota said "After a seven-month investigation there is ample evidence the defendant, Brian Andersen, purchased and possessed a number of illegal weapons including illegal machine guns, unregistered automatic and semi-automatic handguns and a stolen firearm."

In addition to a fully-automatic .30 caliber M2 machine gun Andersen purchased from an undercover detective, the execution of a court-authorized search warrant resulted in the discovery of records proving Andersen had in his store inventory at one time a .38 caliber revolver used by a Farmingville man last August to fire on members of the DA's Heroin Task Force during a drug buy at a Holbrook gas station, DA Spota said.

Detectives discovered hundreds of weapons and ammunition in the unlocked garage of Anderson's home on Swan Lake Drive, including, said Spota, 10 unregistered handguns (possession of 10 or more of these guns is a class B felony), a submachine gun, and seven stolen guns including a .45 caliber handgun, five shotguns and a black-powder pistol.

"We were stunned to find the defendant carelessly storing hundreds of lethal weapons and ammo in the loft of his unlocked garage," the district attorney said. "It is not unreasonable to wonder what could have happened if a mischievous teenager simply opened the door and found what we found."

"Here we have an authorized gun dealer stockpiling guns in an unlocked garage in the middle of a residential neighborhood. We've never seen such reckless, foolish, negligent behavior."

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The indictment charges Anderson with one count of criminal possession of a weapon in the first degree, one count of criminal possession of a weapon in the second degree, one count of criminal possession of stolen property in the fourth degree for possessing a stolen handgun, three counts

of criminal possession of a weapon in the third degree for possessing illegal machine guns and assault weapons, and 11 counts of criminal possession of a weapon in the fourth degree for possessing unregistered handguns.

According to the indictment, Andersen:

Unlawfully possessed a machine gun, namely a Beretta 9mm caliber submachine gun

Unlawfully possessed a machine gun, namely a U.S. Service, .30 caliber M2 carbine,

Knowingly possessed a firearm, namely a Smith & Wesson .357 caliber revolver, model 19

Knowingly possessed a firearm, namely a Enfield .380 caliber revolver, model No. 2 MK1

Knowingly possessed a firearm, namely a Llama .357 Mag caliber revolver, model Comanche III,

Knowingly possessed a firearm, namely a Walther (AC43) 9mm caliber semi-automatic pistol, service model P-38

Knowingly possessed a firearm, namely a Smith & Wesson 9 mm caliber semi-automatic pistol, model SW9F

Knowingly possessed a firearm, namely a Rohm GMBH .22LR caliber revolver, model 66

Knowingly possessed a firearm, namely a Mauser, 7.65 (.32 auto) caliber semi-automatic pistol, model, 1914

Knowingly possessed a firearm, namely a Bernadelli 6.35mm (.25 auto) caliber semi-automatic pistol, model Pocket

Knowingly possessed a firearm, namely a Raven Arms .25 auto caliber semiautomatic pistol, model P-25

Knowingly possessed a firearm, namely a Smith & Wesson .45 auto caliber revolver, model SW1911

**The defendant pleaded not guilty to the charges and is free on \$100,000 cash bail. The top count of criminal possession of a weapon in the first degree is punishable by a prison term of up to 25 years.**



SUFFOLK COUNTY  
DISTRICT ATTORNEY  
THOMAS J. SPOTA



**LETHAL WEAPONS SEIZED**



Brian H Andersen  
DOB: 04/18/1944



Box of guns recovered  
from Andersen garage



Garage loft  
E. Patchogue



Search Warrant location  
E. Patchogue

**SCDA COMMUNICATIONS**

(631) 853-4118

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Defendants are innocent until proven guilty in a court of law.

NOTE: counts 6,7 and 8 have been dismissed

**THE PEOPLE OF THE STATE OF NEW YORK,**

**CASE NUMBER**

I-2948-2011

-Against-

**BRIAN ANDERSEN,**

Defendant.

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- COUNT ONE: CRIMINAL POSSESSION OF A WEAPON IN THE FIRST DEGREE
- COUNT TWO: CRIMINAL POSSESSION OF A WEAPON IN THE SECOND DEGREE
- COUNT THREE: CRIMINAL POSSESSION OF A WEAPON IN THE THIRD DEGREE

COUNT FOUR: CRIMINAL POSSESSION OF A WEAPON IN THE THIRD  
DEGREE  
COUNT FIVE: CRIMINAL POSSESSION OF A WEAPON IN THE THIRD  
DEGREE  
COUNT NINE: CRIMINAL POSSESSION OF A WEAPON IN THE FOURTH  
DEGREE  
COUNT TEN: CRIMINAL POSSESSION OF A WEAPON IN THE FOURTH  
DEGREE  
COUNT ELEVEN: CRIMINAL POSSESSION OF A WEAPON IN THE FOURTH  
DEGREE  
COUNT TWELVE: CRIMINAL POSSESSION OF A WEAPON IN THE FOURTH  
DEGREE  
COUNT THIRTEEN: CRIMINAL POSSESSION OF A WEAPON IN THE FOURTH  
DEGREE  
COUNT FOURTEEN: CRIMINAL POSSESSION OF A WEAPON IN THE FOURTH  
DEGREE  
COUNT FIFTEEN: CRIMINAL POSSESSION OF A WEAPON IN THE FOURTH  
DEGREE  
COUNT SIXTEEN: CRIMINAL POSSESSION OF A WEAPON IN THE FOURTH  
DEGREE  
COUNT SEVENTEEN: CRIMINAL POSSESSION OF A WEAPON IN THE FOURTH  
DEGREE  
COUNT EIGHTEEN: CRIMINAL POSSESSION OF A WEAPON IN THE FOURTH  
DEGREE  
COUNT NINETEEN: CRIMINAL POSSESSION OF A WEAPON IN THE FOURTH  
DEGREE  
COUNT TWENTY: CRIMINAL POSSESSION OF STOLEN PROPERTY  
IN THE FOURTH DEGREE

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FOREPERSON

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ASSISTANT FOREPERSON

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THOMAS J. SPOTA

DISTRICT ATTORNEY

NOVEMBER 7-DECEMBER 2, 2011

SUFFOLK COUNTY

GRAND JURY NUMBER 1D TERM XII

**COUNT 1:**

**THE GRAND JURY OF SUFFOLK COUNTY**, by this Indictment, accuse the defendant, **BRIAN ANDERSEN**, of the crime of **CRIMINAL POSSESSION OF A WEAPON IN THE FIRST DEGREE**, in violation of Section **265.04(2)** of the New York State Penal Law, committed as follows:

The defendant, **BRIAN ANDERSEN**, on or about November 16, 2011, in Suffolk County, New York, knowingly possessed ten or more firearms.

**COUNT 2:**

**THE GRAND JURY OF SUFFOLK COUNTY**, by this Indictment, accuse the defendant, **BRIAN ANDERSEN**, of the crime of **CRIMINAL POSSESSION OF A WEAPON IN THE SECOND DEGREE**, in violation of Section **265.03(2)** of the New York State Penal Law, committed as follows:

The defendant, **BRIAN ANDERSEN**, on or about November 16, 2011, in Suffolk County, New York, knowingly possessed five or more firearms.

**COUNT 3:**

**THE GRAND JURY OF SUFFOLK COUNTY**, by this Indictment, accuse the defendant, **BRIAN ANDERSEN**, of the crime of **CRIMINAL POSSESSION OF A WEAPON IN THE THIRD DEGREE**, in violation of Section **265.02(5)** of the New York State Penal Law, committed as follows:

The defendant, BRIAN ANDERSEN, on or about November 16, 2011, in Suffolk County, New York, knowingly possessed three or more firearms.

**COUNT 4:**

**THE GRAND JURY OF SUFFOLK COUNTY**, by this Indictment, accuse the defendant, **BRIAN ANDERSEN**, of the crime of **CRIMINAL POSSESSION OF A WEAPON IN THE THIRD DEGREE**, in violation of Section **265.02(2)** of the New York State Penal Law, committed as follows:

The defendant, **BRIAN ANDERSEN**, on or about November 16, 2011, in Suffolk County, knowingly and unlawfully possessed a machine gun, namely a U.S. Service, Winchester, .30 caliber M2 carbine, serial number 7268501.

**COUNT 5:**

**THE GRAND JURY OF SUFFOLK COUNTY**, by this Indictment, accuse the defendant, **BRIAN ANDERSEN**, of the crime of **CRIMINAL POSSESSION OF A WEAPON IN THE THIRD DEGREE**, in violation of Section **265.02(2)** of the New York State Penal Law, committed as follows:

The defendant, **BRIAN ANDERSEN**, on or about November 16, 2011, in Suffolk County, knowingly and unlawfully possessed a machine gun, namely a Beretta (Italy) 9mm caliber submachine gun, model 38/42, serial number CP5914.

**COUNT 9:**

**THE GRAND JURY OF SUFFOLK COUNTY**, by this Indictment, accuse the defendant, **BRIAN ANDERSEN**, of the crime of **CRIMINAL POSSESSION OF A WEAPON IN THE FOURTH DEGREE**, in violation of Section **265.01(1)** of the New York State Penal Law, committed as follows:

The defendant, **BRIAN ANDERSEN**, on or about November 16, 2011, in Suffolk County, knowingly possessed a firearm, namely a Smith & Wesson .357 caliber revolver, model 19 bearing Serial Number 9K1697.

**COUNT 10:**

**THE GRAND JURY OF SUFFOLK COUNTY**, by this Indictment, accuse the defendant, **BRIAN ANDERSEN**, of the crime of **CRIMINAL POSSESSION OF A WEAPON IN THE FOURTH DEGREE**, in violation of Section **265.01(1)** of the New York State Penal Law, committed as follows:

The defendant, **BRIAN ANDERSEN**, on or about November 16, 2011, in Suffolk County, knowingly possessed a firearm, namely a Enfield (England) .380 caliber revolver, model No. 2 MK1, bearing serial number L4193.

**COUNT 11:**

**THE GRAND JURY OF SUFFOLK COUNTY**, by this Indictment, accuse the defendant, **BRIAN ANDERSEN**, of the crime of **CRIMINAL POSSESSION OF A WEAPON IN THE FOURTH DEGREE**, in violation of Section **265.01(1)** of the New York State Penal Law, committed as follows:

The defendant, **BRIAN ANDERSEN**, on or about November 16, 2011, in Suffolk County, knowingly possessed a firearm, namely a Llama (Spain) .357 Mag caliber revolver, model Comanche III, serial number obliterated.

**COUNT 12:**

**THE GRAND JURY OF SUFFOLK COUNTY**, by this Indictment, accuse the defendant, **BRIAN ANDERSEN**, of the crime of **CRIMINAL POSSESSION OF A WEAPON IN THE FOURTH DEGREE**, in violation of Section **265.01(1)** of the New York State Penal Law, committed as follows:

The defendant, **BRIAN ANDERSEN**, on or about November 16, 2011, in Suffolk County, knowingly possessed a firearm, namely a Walther (AC43) (Nazi Germany) 9mm caliber semi-automatic pistol, service model P-38, bearing Serial Number 6301ℓ.

**COUNT 13:**

**THE GRAND JURY OF SUFFOLK COUNTY**, by this Indictment, accuse the defendant, **BRIAN ANDERSEN**, of the crime of **CRIMINAL POSSESSION OF A WEAPON IN THE FOURTH DEGREE**, in violation of Section **265.01(1)** of the New York State Penal Law, committed as follows:

The defendant, **BRIAN ANDERSEN**, on or about November 16, 2011, in Suffolk County, knowingly possessed a firearm, namely a Smith & Wesson 9 mm caliber semi-automatic pistol, model SW9F, bearing Serial Number PAC 6459.

**COUNT 14:**

**THE GRAND JURY OF SUFFOLK COUNTY**, by this Indictment, accuse the defendant, **BRIAN ANDERSEN**, of the crime of **CRIMINAL POSSESSION OF A WEAPON IN THE FOURTH DEGREE**, in violation of Section **265.01(1)** of the New York State Penal Law, committed as follows:

The defendant, BRIAN ANDERSEN, on or about November 16, 2011, in Suffolk County, knowingly possessed a firearm, namely a Rohm GMBH (Germany) .22LR caliber revolver, model 66, bearing Serial Number 1B230119.

**COUNT 15:**

**THE GRAND JURY OF SUFFOLK COUNTY**, by this Indictment, accuse the defendant, **BRIAN ANDERSEN**, of the crime of **CRIMINAL POSSESSION OF A WEAPON IN THE FOURTH DEGREE**, in violation of Section **265.01(1)** of the New York State Penal Law, committed as follows:

The defendant, Brian Andersen, on or about November 16, 2011, in Suffolk County, knowingly possessed a firearm, namely a Mauser (Germany), 7.65 (.32 auto) caliber semi-automatic pistol, model, 1914, bearing Serial Number 323854.

**COUNT 16:**

**THE GRAND JURY OF SUFFOLK COUNTY**, by this Indictment, accuse the defendant, **BRIAN ANDERSEN**, of the crime of **CRIMINAL POSSESSION OF A WEAPON IN THE FOURTH DEGREE**, in violation of Section **265.01(1)** of the New York State Penal Law, committed as follows:

The defendant, Brian Andersen, on or about November 16, 2011, in Suffolk County, knowingly possessed a firearm, namely a P. Beretta (Italy) 7.65 mm (.32 auto) caliber semiautomatic pistol, model 1931, bearing Serial Number 404594.

**COUNT 17:**

**THE GRAND JURY OF SUFFOLK COUNTY**, by this Indictment, accuse the defendant, **BRIAN ANDERSEN**, of the crime of **CRIMINAL POSSESSION OF A WEAPON IN THE FOURTH DEGREE**, in violation of Section **265.01(1)** of the New York State Penal Law, committed as follows:

The defendant, Brian Andersen, on or about November 16, 2011, in Suffolk County, knowingly possessed a firearm, namely a Bernadelli (Italy) 6.35mm (.25 auto) caliber semi-automatic pistol, model Pocket, bearing Serial Number 45050.

**COUNT 18:**

**THE GRAND JURY OF SUFFOLK COUNTY**, by this Indictment, accuse the defendant, **BRIAN ANDERSEN**, of the crime of **CRIMINAL POSSESSION OF A WEAPON IN THE FOURTH DEGREE**, in violation of Section **265.01(1)** of the New York State Penal Law, committed as follows:

The defendant, Brian Andersen, on or about November 16, 2011, in Suffolk County, knowingly possessed a firearm, namely a Raven Arms .25 auto caliber semiautomatic pistol, model P-25, bearing Serial Number 466179.

**COUNT 19:**

**THE GRAND JURY OF SUFFOLK COUNTY**, by this Indictment, accuse the defendant, Brian Andersen, of the crime of **CRIMINAL POSSESSION OF A WEAPON IN**

**THE FOURTH DEGREE**, in violation of Section **265.01(1)** of the New York State Penal Law, committed as follows:

The defendant, Brian Andersen, on or about November 16, 2011, in Suffolk County, knowingly possessed a firearm, namely a Smith & Wesson .45 auto caliber revolver, model SW1911, bearing Serial Number JRE9410.

**COUNT 20:**

**THE GRAND JURY OF SUFFOLK COUNTY**, by this Indictment, accuse the defendant, Brian Andersen, of the crime of **CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FOURTH DEGREE**, in violation of Section **165.45(4)** of the New York State Penal Law, committed as follows:

The defendant, Brian Andersen, on or about November 16, 2011, in Suffolk County, with intent to benefit himself or a person other than an owner thereof or to impede the recovery by an owner thereof, knowingly possessed stolen property, and said property consisted of a firearm.