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CR10-1860TUC

REC  
GEE

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

United States of America,

Plaintiff,

v.

Martin Frank Molina,  
Jesus Ivan Ozuna,  
Martin Joseph Riesgo,  
Francisco M. Peralta,  
Christopher Gabriel Peralta,  
Alexis Ramirez-Miranda,  
Cody Paul Sanchez,  
Rigoberto Salcido,  
Rodolfo Andres Soto,  
Marquez Samuel Reece,  
Francisco Alfonso Ramirez Romero,  
Luis Carlos Davila-Perez,

Defendants.

## INDICTMENT

## Violations:

18 USC §2  
18 USC §922(x)(1)  
18 USC §922(g)(1)  
18 USC §922(g)(5)(B)  
18 USC §922(a)(6)  
18 USC §924(a)(1)(A)  
18 USC §924(a)(2)  
18 USC §924(a)(6)(A)(i)  
18 USC §924(a)(6)(B)(i)  
18 USC §924(d)  
28 USC §2461(c)

(Transfer of Firearm to Juvenile,  
Possession of Firearm by Felon,  
Possession of Firearm by Non-  
Immigrant Alien, False Statement  
During Purchase of Firearm,  
Aiding & Abetting, Forfeiture)

## THE GRAND JURY CHARGES:

COUNT 1

On or about October 16, 2008, at or near Tucson, in the District of Arizona,  
ALEXIS RAMIREZ-MIRANDA knowingly made a false statement and representation to  
BKM Guns, Inc., dba Murphy's Guns and Gunsmithing, licensed under the provisions of  
Chapter 44, Title 18, United States Code, with respect to information required by the

1 provisions of Chapter 44, Title 18, United States Code, to be kept in the records of BKM  
2 Guns, Inc., in that ALEXIS RAMIREZ-MIRANDA represented that he was the actual  
3 transferee/buyer of a firearm: to wit, one CIA DC Industries, model M70AB2, 7.62x39  
4 caliber rifle, serial number M70AB23041; and was not acquiring the firearm on behalf of  
5 another person; in violation of Title 18, United States Code, Section 924(a)(1)(A).

6 **COUNT 2**

7 On or about October 30, 2008, at or near Tucson, in the District of Arizona,  
8 MARTIN JOSEPH RIESGO, in connection with the acquisition of a firearm, that is; one  
9 FN, model Five-Seven, 5.7x28 caliber pistol, serial number 386154691; from Second  
10 Amendment Sports, Inc., a licensed dealer of firearms within the meaning of Chapter 44,  
11 Title 18, United States Code, did knowingly make a false and fictitious written statement  
12 to Second Amendment Sports, Inc., which statement was intended to deceive Second  
13 Amendment Sports, Inc., as to a fact material to the lawfulness of such sale of the said  
14 firearm to MARTIN JOSEPH RIESGO under Chapter 44, Title 18, United States Code, in  
15 that MARTIN JOSEPH RIESGO represented that he was the actual transferee/buyer of the  
16 firearm and was not acquiring the firearm on behalf of another person; in violation of Title  
17 18, United States Code, Sections 922(a)(6) and 924(a)(2).

18 **COUNT 3**

19 On or about November 3, 2008, at or near Tucson, in the District of Arizona,  
20 JESUS IVAN OZUNA, in connection with the acquisition of firearms, that is; two Colt,  
21 model MK IV 1911 "Emiliano Zapata," .38 Super caliber pistols, serial numbers 0055EVS  
22 and 0076EVS; from Marksman Pistol Institute, a licensed dealer of firearms within the  
23 meaning of Chapter 44, Title 18, United States Code, did knowingly make a false and  
24 fictitious written statement to Marksman Pistol Institute, which statement was intended to  
25

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1 deceive Marksman Pistol Institute as to a fact material to the lawfulness of such sale of the  
2 said firearms to JESUS IVAN OZUNA under Chapter 44, Title 18, United States Code, in  
3 that JESUS IVAN OZUNA represented that he was the actual transferee/buyer of the  
4 firearms and was not acquiring the firearms on behalf of another person; in violation of  
5 Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

6 **COUNT 4**

7 On or about November 3, 2008, to November 5, 2008, at or near Tucson, in the  
8 District of Arizona, JESUS IVAN OZUNA knowingly transferred handguns, that is; two  
9 Colt, model MK IV 1911 "Emiliano Zapata," .38 Super caliber pistols, serial numbers  
10 0055EVS and 0076EVS; to F.I., knowingly and having reasonable cause to believe that F.I.  
11 was a juvenile, in that he had not attained eighteen years of age, in violation of Title 18,  
12 United States Code, Sections 922(x)(1) and 924(a)(6)(B)(I).

13 **COUNT 5**

14 On or about November 5, 2008, at or near Tucson, in the District of Arizona,  
15 LUIS CARLOS DAVILA-PEREZ, an alien who was admitted to the United States under  
16 a non-immigrant visa, did knowingly possess a firearm, that is, one Colt, model MK IV  
17 1911 "Emiliano Zapata," .38 Super caliber pistol, serial number 0055EVS ; said firearm  
18 being in and affecting commerce in that it was previously transported into the state of  
19 Arizona from another state or foreign country; in violation of Title 18, United States Code,  
20 Sections 922(g)(5)(B) and 924(a)(2).

21 **COUNT 6**

22 On or about November 19, 2008, at or near Tucson, in the District of Arizona,  
23 ALEXIS RAMIREZ-MIRANDA knowingly made a false statement and representation to  
24 Second Amendment Sports, Inc., licensed under the provisions of Chapter 44, Title 18,  
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1 United States Code, with respect to information required by the provisions of Chapter 44,  
2 Title 18, United States Code, to be kept in the records of Second Amendment Sports, Inc.,  
3 in that ALEXIS RAMIREZ-MIRANDA represented that he was the actual transferee/buyer  
4 of a firearm: to wit, one Century, model WASR10, 7.62x39 caliber rifle, serial number  
5 1974FE1763; and was not acquiring the firearm on behalf of another person; in violation  
6 of Title 18, United States Code, Section 924(a)(1)(A).

7 **COUNT 7**

8 On or about November 20, 2008, at or near Tucson, in the District of Arizona,  
9 RIGOBERTO SALCIDO and LUIS CARLOS DAVILA-PEREZ knowingly made a false  
10 statement and representation to Marksman Pistol Institute, licensed under the provisions of  
11 Chapter 44, Title 18, United States Code, with respect to information required by the  
12 provisions of Chapter 44, Title 18, United States Code, to be kept in the records of  
13 Marksman Pistol Institute, in that RIGOBERTO SALCIDO represented that he was the  
14 actual transferee/buyer of a firearm: to wit, two Colt, model "Emiliano Zapata," .38 Super  
15 caliber pistols, serial numbers 0017EVS and 0063EVS; and was not acquiring the firearm  
16 on behalf of another person; and LUIS CARLOS DAVILA-PEREZ aided, abetted,  
17 counseled, commanded, induced and procured such representation; in violation of Title 18,  
18 United States Code, Sections 924(a)(1)(A) and 2(a).

19 **COUNT 8**

20 On or about December 6, 2008, at or near Chandler and Tucson, in the District  
21 of Arizona, CODY PAUL SANCHEZ knowingly made a false statement and representation  
22 to Advantage, licensed under the provisions of Chapter 44, Title 18, United States Code,  
23 with respect to information required by the provisions of Chapter 44, Title 18, United  
24 States Code, to be kept in the records of Advantage, in that CODY PAUL SANCHEZ  
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1 represented that he was the actual transferee/buyer of firearms: to wit, two Colt, model  
2 02991DOD, .38 Super caliber pistols, serial numbers 0113DOD and 0128DOD; and was  
3 not acquiring the firearms on behalf of another person; in violation of Title 18, United  
4 States Code, Section 924(a)(1)(A).

5 **COUNT 9**

6 On or about December 9, 2008, at or near Tucson, in the District of Arizona,  
7 MARTIN JOSEPH RIESGO, in connection with the acquisition of a firearm, that is; one  
8 Colt, Government Model, .38 Super caliber pistol, serial number 0155EVS; from  
9 Diamondback Police Supply Co., Inc., a licensed dealer of firearms within the meaning of  
10 Chapter 44, Title 18, United States Code, did knowingly make a false and fictitious written  
11 statement to Diamondback Police Supply Co., Inc., which statement was intended to  
12 deceive Diamondback Police Supply Co., Inc., as to a fact material to the lawfulness of such  
13 sale of the said firearm to MARTIN JOSEPH RIESGO under Chapter 44, Title 18, United  
14 States Code, in that MARTIN JOSEPH RIESGO represented that he was the actual  
15 transferee/buyer of the firearm and was not acquiring the firearm on behalf of another  
16 person; in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

17 **COUNT 10**

18 On or about October 2008 to December 2008, at or near Tucson, in the District  
19 of Arizona, MARTIN JOSEPH RIESGO knowingly transferred handguns, that is; one FN,  
20 model Five-Seven, 5.7x28 caliber pistol, serial number 386154691; one Colt, Government  
21 Model, .38 Super caliber pistol, serial number 0155EVS; and one Smith & Wesson, model  
22 M+P15, .223 caliber pistol receiver, serial number SW92849; to F.I., knowingly and having  
23 reasonable cause to believe that F.I. was a juvenile, in that he had not attained eighteen  
24 years of age, in violation of Title 18, United States Code, Sections 922(x)(1) and  
25 924(a)(6)(B)(i).

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**COUNT 11**

On or about December 17, 2008, at or near Tucson, in the District of Arizona, CHRISTOPHER GABRIEL PERALTA knowingly made a false statement and representation to Legal Trading Co., 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 records of Legal Trading Co., in that CHRISTOPHER GABRIEL PERALTA represented that he was the actual transferee/buyer of a firearm: to wit, one Colt, custom model, .38 Super caliber pistol, serial number ELCEN4231; and was not acquiring the firearm on behalf of another person; in violation of Title 18, United States Code, Section 924(a)(1)(A).

**COUNT 12**

On or about December 21, 2008, at or near Tucson, in the District of Arizona, MARTIN JOSEPH RIESGO, in connection with the acquisition of a firearm, that is; one Smith & Wesson, model M+P15, .223 caliber pistol receiver, serial number SW92849; from Pima Guns, a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, did knowingly make a false and fictitious written statement to Pima Guns, which statement was intended to deceive Pima Guns, as to a fact material to the lawfulness of such sale of the said firearm to MARTIN JOSEPH RIESGO under Chapter 44, Title 18, United States Code, in that MARTIN JOSEPH RIESGO represented that he was the actual transferee/buyer of the firearm and was not acquiring the firearm on behalf of another person; in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

**COUNT 13**

On or about January 10, 2009, at or near Surprise and Tucson, in the District of Arizona, FRANCISCO M. PERALTA knowingly made a false statement and representation



1 to Rising Sun Tactical, LLC, licensed under the provisions of Chapter 44, Title 18, United  
2 States Code, with respect to information required by the provisions of Chapter 44, Title 18,  
3 United States Code, to be kept in the records of Rising Sun Tactical, LLC, in that  
4 FRANCISCO M. PERALTA represented that he was the actual transferee/buyer of  
5 firearms, that is; one Nodak Spud LLC - DC Industries, 7.62x39 caliber rifle, serial number  
6 IA4178; and one Intrac Inc., model RPM, 7.62x39 caliber rifle, serial number CT04038;  
7 and was not acquiring the firearms on behalf of another person; in violation of Title 18,  
8 United States Code, Section 924(a)(1)(A).

9 **COUNT 14**

10 On or about January 10, 2009, at or near Surprise and Tucson, in the District of  
11 Arizona, CODY PAUL SANCHEZ knowingly made a false statement and representation  
12 to Rising Sun Tactical, LLC, licensed under the provisions of Chapter 44, Title 18, United  
13 States Code, with respect to information required by the provisions of Chapter 44, Title 18,  
14 United States Code, to be kept in the records of Rising Sun Tactical, LLC, in that CODY  
15 PAUL SANCHEZ represented that he was the actual transferee/buyer of firearms: to wit,  
16 one Norinco, model SCS, 7.62x39 caliber rifle, serial number 300651; and one Norinco,  
17 model S6, 7.62x39 caliber rifle, serial number 201776/K9436188; and was not acquiring  
18 the firearms on behalf of another person; in violation of Title 18, United States Code,  
19 Sections 924(a)(1)(A) and 2(a).

20 **COUNT 15**

21 On or about February 3, 2009, at or near Tucson, in the District of Arizona,  
22 RODOLFO ANDRES SOTO and CODY PAUL SANCHEZ knowingly made a false  
23 statement and representation to Diamondback Police Supply Co., Inc., licensed under the  
24 provisions of Chapter 44, Title 18, United States Code, with respect to information required  
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1 by the provisions of Chapter 44, Title 18, United States Code, to be kept in the records of  
2 Diamondback Police Supply Co., Inc., in that RODOLFO ANDRES SOTO represented that  
3 he was the actual transferee/buyer of a firearm: to wit, one Colt, model 1911 Government,  
4 .38 Super caliber pistol, serial number 2822603; and was not acquiring the firearm on behalf  
5 of another person; and CODY PAUL SANCHEZ aided, abetted, counseled, commanded,  
6 induced and procured such representation; in violation of Title 18, United States Code,  
7 Sections 924(a)(1)(A) and 2(a).

8 **COUNT 16**

9 On or about February 5, 2009, at or near Tucson, in the District of Arizona,  
10 RODOLFO ANDRES SOTO and CODY PAUL SANCHEZ knowingly made a false  
11 statement and representation to Tucson Guns & Western Artifacts, licensed under the  
12 provisions of Chapter 44, Title 18, United States Code, with respect to information required  
13 by the provisions of Chapter 44, Title 18, United States Code, to be kept in the records of  
14 Tucson Guns & Western Artifacts, in that RODOLFO ANDRES SOTO represented that  
15 he was the actual transferee/buyer of a firearm: to wit, one Colt, model 1911, .38 Super  
16 caliber pistol, serial number ELCEN5088; and was not acquiring the firearm on behalf of  
17 another person; and CODY PAUL SANCHEZ aided, abetted, counseled, commanded,  
18 induced and procured such representation; in violation of Title 18, United States Code,  
19 Sections 924(a)(1)(A) and 2(a).

20 **COUNT 17**

21 On or about February 11, 2009, at or near Tucson, in the District of Arizona,  
22 MARQUEZ SAMUEL REECE and RODOLFO ANDRES SOTO knowingly made a false  
23 statement and representation to Second Amendment Sports, Inc., licensed under the  
24 provisions of Chapter 44, Title 18, United States Code, with respect to information required  
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1 by the provisions of Chapter 44, Title 18, United States Code, to be kept in the records of  
2 Second Amendment Sports, Inc., in that MARQUEZ SAMUEL REECE represented that  
3 he was the actual transferee/buyer of a firearm: to wit, one Colt, model 1911-A1, .38 Super  
4 caliber pistol, serial number ELCEN5336; and was not acquiring the firearm on behalf of  
5 another person; and RODOLFO ANDRES SOTO aided, abetted, counseled, commanded,  
6 induced and procured such representation; in violation of Title 18, United States Code,  
7 Sections 924(a)(1)(A) and 2(a).

8 **COUNT 18**

9 On or about May 2, 2009, at or near Tucson, in the District of Arizona,  
10 FRANCISCO ALFONSO RAMIREZ-ROMERO, an alien who was admitted to the United  
11 States under a non-immigrant visa, did knowingly possess a firearm, that is, one Double  
12 Star Corp., model Star-15, .223-5.56 mm rifle, serial number D0015498; said firearm being  
13 in and affecting commerce in that it was previously transported into the state of Arizona  
14 from another state or foreign country; in violation of Title 18, United States Code, Sections  
15 922(g)(5)(B) and 924(a)(2).

16 **COUNT 19**

17 On or about May 6, 2009, at or near Tucson, in the District of Arizona,  
18 FRANCISCO ALFONSO RAMIREZ-ROMERO, an alien who was admitted to the United  
19 States under a non-immigrant visa, did knowingly possess firearms, that is, two Double Star  
20 Corp., model Star-15, .223-5.56 mm rifles, serial numbers D0015511 and D0015512; and  
21 one Smith & Wesson, model MCP-15, .223-5.56 caliber rifle, serial number SM11109; said  
22 firearms being in and affecting commerce in that it was previously transported into the state  
23 of Arizona from another state or foreign country; in violation of Title 18, United States  
24 Code, Sections 922(g)(5)(B) and 924(a)(2).

25  
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**COUNT 20**

On or about May 14, 2009, at or near Tucson, in the District of Arizona, MARTIN FRANK MOLINA, having been previously convicted of a crime punishable by imprisonment for a term exceeding one year, that is, Theft by Control and/or by Controlling Stolen Property, a felony, Pima County Superior Court, Tucson, Arizona, case number CR-45947, on September 9, 1994; did knowingly possess a firearm, that is; one Colt, model 1911, .38 Super caliber pistol, serial number ELCEN4997; said firearm being in and affecting commerce in that it was previously transported into the state of Arizona from another state or foreign country; in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

**FORFEITURE ALLEGATION**

Upon conviction of one or more of the offenses alleged in Counts 1 through 20 of this Indictment, MARTIN FRANK MOLINA, JESUS IVAN OZUNA, MARTIN JOSEPH RIESGO, FRANCISCO M. PERALTA, CHRISTOPHER GABRIEL PERALTA, ALEX RAMIREZ-MIRANDA, CODY PAUL SANCHEZ, RIGOBERTO SALCIDO, RODOLFO ANDRES SOTO, MARQUEZ SAMUEL REECE, FRANCISCO ALFONSO RAMIREZ-ROMERO, and LUIS CARLOS DAVILA-PEREZ, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), any firearms or ammunition involved in or used in any knowing violation of the commission of an offense of Title 18, United States Code, Sections 922(a)(6) or 922(g)(1), including, but not limited to:

1. One CIA DC Industries, model M70AB2, 7.62x39 caliber rifle, serial number M70AB23041;
2. One FN, model Five-Seven, 5.7x28 caliber pistol, serial number 386154691;

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- 1 3. Two Colt, model MK IV 1911 "Emiliano Zapata," .38 Super caliber pistols,  
2 serial numbers 0055EVS and 0076EVS;
- 3 4. One Century, model WASR10, 7.62x39 caliber rifle, serial number  
4 1974FE1763;
- 5 5. Two Colt, model "Emiliano Zapata," .38 Super caliber pistols, serial numbers  
6 0017EVS and 0063EVS;
- 7 6. Two Colt, model 02991DOD, .38 Super caliber pistols, serial numbers  
8 0113DOD and 0128DOD;
- 9 7. One Colt, Government Model, .38 Super caliber pistol, serial number 0155EVS;
- 10 8. One FN, model Five-Seven, 5.7x28 caliber pistol, serial number 386154691;
- 11 9. One Smith & Wesson, model M+P15, .223 caliber pistol receiver, serial number  
12 SW92849;
- 13 10. One Colt, custom model, .38 Super caliber pistol, serial number ELCEN4231;
- 14 11. One Nodak Spud LLC - DC Industries, 7.62x39 caliber rifle, serial number  
15 IA4178;
- 16 12. One Intrac Inc., model RPM, 7.62x39 caliber rifle, serial number CT04038;
- 17 13. One Norinco, model SCS, 7.62x39 caliber rifle, serial number 300651;
- 18 14. One Norinco, model S6, 7.62x39 caliber rifle, serial number 201776/K9436188;
- 19 15. One Colt, model 1911 Government, .38 Super caliber pistol, serial number  
20 2822603;
- 21 16. One Colt, model 1911, .38 Super caliber pistol, serial number ELCEN5088;
- 22 17. One Colt, model 1911-A1, .38 Super caliber pistol, serial number ELCEN5336;
- 23 18. Three Double Star Corp., model Star-15, .223-5.56 mm rifle, serial numbers  
24 D0015498, D0015511, and D0015512;
- 25

1 19. One Smith & Wesson, model MCP-15, .223-5.56 caliber rifle, serial number  
2 SM11109;

3 20. One Colt, model 1911, .38 Super caliber pistol, serial number ELCEN4997;

4 If any of the property described above, as a result of any act or omission of the  
5 defendants:

- 6 a. cannot be located upon the exercise of due diligence;  
7 b. has been transferred or sold to, or deposited with, a third party;  
8 c. has been placed beyond the jurisdiction of the court;  
9 d. has been substantially diminished in value; or  
10 e. has been commingled with other property which cannot be divided  
11 without difficulty;

12 it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p),  
13 as incorporated by Title 28, United States Code, Section 2461(c), to seek forfeiture of any  
14 other property of said defendants up to the value of the above forfeitable property,  
15 including, but not limited to, all property, both real and personal, owned by the defendants.  
16 All pursuant to Title 18, United States Code, Section 924(d), Title 28, United States Code,  
17 Section 2461(c), and Rule 32.2(a) of the Federal Rules of Criminal Procedure.

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22 DENNIS K. BURKE  
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District of Arizona

23  
24   
25 Assistant U.S. Attorney

REDACTED FOR  
PUBLIC DISCLOSURE JUL 28 2010

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