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DENNIS K. BURKE
United States Attorney
District of Arizona
ANGELA W. WOOLRIDGE
Assistant United States Attorney
Evo A. Deconcini United States Courthouse
405 West Congress, Suite 4800
Tucson, Arizona 85701-5040
Telephone: 520-620-7300
angela.woolridge@usdoj.gov
Attorneys for Plaintiff

CR10-1860TUC

RCC
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

26 US v. Martin Frank Molina, et al, Indictment Page 2

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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26 US v. Martin Frank Molina, et al, Indictment Page 3

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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26 **US v. Martin Frank Molina, et al, Indictment Page 4**

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).

26 US v. Martin Frank Molina, et al, Indictment Page 5

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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26 US v. Martin Frank Molina, et al, Indictment Page 7

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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26 US v. Martin Frank Molina, et al, Indictment Page 8

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).

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26 US v. Martin Frank Molina, et al, Indictment Page 9

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;

US v. Martin Frank Molina, et al, Indictment Page 10

- 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;

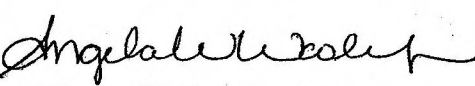
3 20. One Colt, model 1911, .38 Super caliber pistol, serial number ELCEN4997;

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
United States Attorney
District of Arizona

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25 Assistant U.S. Attorney

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PUBLIC DISCLOSURE JUL 28 2010

26 US v. Martin Frank Molina, et al, Indictment Page 12