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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

BRUCE A. COHEN, *Chief Counsel and Staff Director*
KOLAN L. DAVIS, *Republican Chief Counsel and Staff Director*

March 16, 2011

Via Electronic Transmission

The Honorable Alan D. Bersin
Commissioner
U.S. Customs and Border Protection
U.S. Department of Homeland Security
1300 Pennsylvania Avenue, NW
Washington, DC 20229

Dear Commissioner Bersin:

Since January, I have been investigating the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) operation called “Fast and Furious”—part of the broader “Project Gunrunner” initiative. According to several agents, ATF leadership encouraged gun dealers to engage in sales of multiple weapons to individuals suspected of illegally purchasing them for resale to Mexican cartels. Specifically, I am seeking information on whether CBP officials had an opportunity to seize weapons from straw purchasers on two specific occasions.

First, on March 8, 2011, federal authorities indicted 11 defendants, including the Mayor and the Police Chief of a small town in New Mexico, for conspiring to smuggle weapons from the United States into Mexico.¹ According to the indictment, on January 14, 2010, Blas Gutierrez and Miguel Carrillo were pulled over near the border and were found in possession of eight weapons, including three AK-47-type pistols.² Also according to the indictment, two of the weapons were later smuggled to Mexico, where they were found this month, March 2011.³ I understand that CBP may have been the agency that conducted the vehicle stop referenced in the indictment and that some of the weapons may have been connected to Operation Fast and Furious. However, CBP allegedly let the individuals go, perhaps because it failed to determine that the weapons or individuals were connected to ATF operation at the time of the vehicle stop.

Second, CBP officials allegedly stopped Jaime Avila near the border in the spring or summer of 2010. He allegedly had the two WASR-10 rifles in his possession that were later found at the scene of Agent Brian Terry’s murder, along with over thirty additional weapons. CBP officials contacted ATF or an Assistant United States Attorney who allegedly instructed CBP to allow Avila proceed without seizing the weapons.

¹ Indictment, filed March 8, 2011, *United States v. Villalobos*, Case 2:11-cr-00487. (Attachment 1)

² *Id.* at 3.

³ *Id.*

In order to ascertain the extent to which these accounts are accurate, please ensure that CBP officials are prepared to answer questions about these two incidents in addition to questions about the use of force policy at the staff briefing scheduled for this Friday. If you have any questions about this request, please contact Brian Downey at (202) 224-5225. Thank you for your prompt attention to this important matter.

Sincerely,



Charles E. Grassley
Ranking Member

Attachment

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

IN THE UNITED STATES DISTRICT COURT

MAR 08 2011

FOR THE DISTRICT OF NEW MEXICO

MATTHEW J. DYKMAN
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

IGNACIO VILLALOBOS,
a/k/a "Nacho" and "Nachito";

BLAS GUTIERREZ,

a/k/a "Woody";

EDDIE ESPINOZA;

ANGELO VEGA;

IAN GARLAND;

ALBERTO RIVERA;

MIGUEL CARRILLO;

RICARDO GUTIERREZ;

MANUEL ORTEGA,

a/k/a "Coruco";

VINCENTE CARREON,

a/k/a "Tito"; and

EVA GUTIERREZ,

Defendants.

11cr 487

)
)
) Count 1: 18 U.S.C. § 371: Conspiracy;

)
) Counts 2 - 42: 18 U.S.C. § 924(a)(1)(A):

) False Statements in Connection With the

) Acquisition of Firearms, and 18 U.S.C. § 2:

) Aiding and Abetting; and

)
) Counts 43 - 84: 18 U.S.C. § 554: Smuggling

) Goods from the United States, and 18 U.S.C.

) § 2: Aiding and Abetting.

INDICTMENT

The Grand Jury charges:

Count 1
(Conspiracy)

Beginning on or about January, 2010 and continuing to on or about March, 2011, in Luna and Otero Counties and elsewhere, in the District of New Mexico and elsewhere, Defendants **IGNACIO VILLALOBOS, a/k/a "Nacho" and "Nachito," BLAS GUTIERREZ, EDDIE ESPINOZA, ANGELO VEGA, IAN GARLAND, ALBERTO RIVERA, RICARDO**

GUTIERREZ, MIGUEL CARRILLO, MANUEL ORTEGA, a/k/a "Coruco," VICENTE CARREON, a/k/a "Tito," and EVA GUTIERREZ, unlawfully, knowingly and intentionally did combine, conspire, confederate and agree together and with each other and with others known and unknown to the grand jury, to commit the following offenses against the United States: smuggling goods from the United States, contrary to 18 U.S.C. § 554; and making false statements in connection with the acquisition of a firearm, contrary to 18 U.S.C. § 924(a)(1)(A).

Manner and Means of the Conspiracy

1. As part of the conspiracy, the Defendants and others acquired firearms by purchasing them in the District of New Mexico and elsewhere from Federal Firearms Licensees (FFLs), licensed under the provisions of Chapter 44 of Title 18, and operating as licensed gun dealers.

2. As part of the conspiracy, and in the course of purchasing firearms in the District of New Mexico and elsewhere, the Defendants and others knowingly made false statements and representations with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of a business licensed under the provisions of Chapter 44 of Title 18, United States Code, in that the Defendants executed Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) Forms 4473, Firearms Transaction Records, representing that the Defendant executing each form was the actual purchaser of the firearm(s) when in fact they were buying the firearm(s) for others.

3. As part of the conspiracy, the Defendants and others acquired and dealt in the types of firearms for which there was a ready market among the Mexican Cartels.

4. As part of the conspiracy, the Defendants and others unlawfully, knowingly and intentionally received, concealed, bought, sold, and facilitated the transportation, concealment, and sale of firearms prior to exportation, knowing the firearms were intended for exportation contrary to the laws and regulations of the United States.

5. As part of the conspiracy, after firearms were purchased from FFLs, the Defendants and others transferred the firearms to other members of the conspiracy both known and unknown to the grand jury to be stored, sold, and transported.

6. As part of the conspiracy, the Defendants and others unlawfully, knowingly and intentionally exported and sent firearms from the United States to Mexico contrary to the laws and regulations of the United States.

7. As part of the conspiracy, the Defendants and others shipped, transported, and exported firearms from the United States to Mexico.

Overt Acts

In furtherance of the conspiracy, and to accomplish the objectives of the conspiracy, the following overt acts, among others, were committed between January, 2010 and March, 2011 in the District of New Mexico and elsewhere:

1. On or about January 14, 2010, **BLAS GUTIERREZ** and **MIGUEL CARRILLO** possessed three AK-47 type pistols, two Ruger .45 caliber pistols, and three FN 5.7 mm pistols in a vehicle in Columbus, New Mexico. The three AK-47 type pistols and three FN 5.7 mm pistols had been purchased approximately five days before by straw purchasers in the District of Arizona. The two Ruger .45 caliber pistols mentioned above were smuggled to Mexico and found in Mexico around March, 2011.

2. On or about February 13, 2010, **BLAS GUTIERREZ** purchased two AK-47 type pistols from FFL New Deal Shooting Sports, Deming, New Mexico, and during the course of such purchase falsely represented on ATF Form 4473 that he was the actual purchaser of the firearms.

3. On or about June 27, 2010, **BLAS GUTIERREZ** purchased one Delton 5.56 rifle and two AK-47 type pistols from FFL Chaparral Guns, Chaparral, New Mexico (hereafter referred to as "FFL Chaparral Guns"), and during the course of such purchase falsely represented on ATF Form 4473 that he was the actual purchaser of the firearms. One of the AK-47 type pistols purchased by **BLAS GUTIERREZ** on this date was smuggled to Mexico and found in Mexico around March, 2011.

4. On or about July 9, 2010, an individual known to the grand jury purchased one AK-47 type rifle from FFL Chaparral Guns, and during the course of such purchase falsely represented on ATF Form 4473 that he or she was the actual purchaser of the firearm. **BLAS GUTIERREZ** drove this individual to FFL Chaparral Guns on July 9, 2010, and this individual purchased the one AK-47 type rifle at the direction of **BLAS GUTIERREZ**.

5. On or about July 13, 2010, an individual known to the grand jury purchased two AK-47 type pistols and one AK-47 type rifle from FFL Chaparral Guns, and during the course of such purchase falsely represented on ATF Form 4473 that he or she was the actual purchaser of the firearms. **BLAS GUTIERREZ** drove this individual to Chaparral Guns on July 13, 2010, and this individual purchased the two AK-47 type pistols and one AK-47 type rifle at the direction of **BLAS GUTIERREZ**. One of the AK-47 type pistols purchased by this individual on this date was smuggled to Mexico and found in Mexico around March, 2011.

6. On or about August 20, 2010, **BLAS GUTIERREZ** purchased three AK-47 type pistols and **ALBERTO RIVERA** purchased two AK-47 type pistols, all from FFL Chaparral Guns, and during the course of such purchase falsely represented on ATF Form 4473 that they were the actual purchasers of the firearms.

7. On or about September 5, 2010, **BLAS GUTIERREZ** purchased three AK-47 type pistols, **MIGUEL CARRILLO** purchased four AK-47 type pistols, and an individual known to the grand jury purchased three AK-47 type pistols, all from FFL Chaparral Guns, and during the course of such purchase falsely represented on ATF Form 4473 that they were the actual purchasers of the firearms. One of the AK-47 type pistols purchased by **MIGUEL CARRILLO** on this date was smuggled to Mexico and found in Mexico around March, 2011.

8. On or about September 7, 2010, **BLAS GUTIERREZ** purchased two American Tactical 9 mm pistols, **ALBERTO RIVERA** purchased five American Tactical 9 mm pistols, an individual known to the grand jury purchased three American Tactical 9 mm caliber pistols, and another individual known to the grand jury purchased five American Tactical 9 mm caliber pistols, all from FFL Chaparral Guns, and during the course of such purchase falsely represented on ATF Form 4473 that they were the actual purchasers of the firearms. These two individuals known to the grand jury were accompanied by **BLAS GUTIERREZ** on September 7, 2010, and purchased eight American Tactical 9 mm pistols at the direction of **BLAS GUTIERREZ**.

9. On or about September 24, 2010, **BLAS GUTIERREZ** purchased one FN 5.7 mm pistol and one Twin Pines 9 mm pistol from FFL Chaparral Guns, and during the course of

such purchase falsely represented on ATF Form 4473 that he was the actual purchaser of the firearms.

10. On or about September 30, 2010, **BLAS GUTIERREZ** purchased seven AK-47 type pistols and one Taurus .22 caliber pistol and **ALBERTO RIVERA** purchased five American Tactical 9 mm pistols, all from FFL Chaparral Guns, and during the course of such purchase falsely represented on ATF Form 4473 that they were the actual purchasers of the firearms.

11. On or about October 4, 2010, **EDDIE ESPINOZA** purchased five American Tactical 9 mm pistols and one AK-47 type pistol and **ALBERTO RIVERA** purchased two AK-47 type pistols, all from FFL Chaparral Guns, and during the course of such purchase falsely represented on ATF Form 4473 that they were the actual purchasers of the firearms.

12. On or about October 8, 2010, in Columbus, New Mexico, **EDDIE ESPINOZA** drove his vehicle in an attempt to block-in federal agents who were driving in Columbus, New Mexico. Soon thereafter, **ANGELO VEGA**, at the direction of **EDDIE ESPINOZA**, stopped the federal agents and inquired about what they were doing in Columbus.

13. On or about October 13, 2010, **BLAS GUTIERREZ** purchased two American Tactical 9 mm pistols and one Keltec .380 caliber pistol from FFL Chaparral Guns, and during the course of such purchase falsely represented on ATF Form 4473 that he was the actual purchaser of the firearms.

14. On or about October 18, 2010, **EDDIE ESPINOZA** purchased six AK-47 type pistols and **BLAS GUTIERREZ** purchased five American Tactical 9 mm pistols, all from FFL

Chaparral Guns, and during the course of such purchase falsely represented on ATF Form 4473 that they were the actual purchasers of the firearms.

15. On or about October 20, 2010, **ALBERTO RIVERA** purchased four AK-47 type pistols and three American Tactical 9 mm pistols from FFL Chaparral Guns, and during the course of such purchase falsely represented on ATF Form 4473 that he was the actual purchaser of the firearms.

16. On or about November 1, 2010, **EDDIE ESPINOZA** leased Apartment #802 at Colinas Del Sol Apartment Complex, located at 945 South Mesa Hills Drive, El Paso, Texas 79912 (hereafter referred to as "Apartment #802"). **EDDIE ESPINOZA** leased Apartment #802 for three months and paid \$3,600.00 for the three months with four separate money orders, all signed by **EDDIE ESPINOZA**.

17. On or about November 18, 2010, **EDDIE ESPINOZA** falsely claimed that **BLAS GUTIERREZ** was his son, and added **BLAS GUTIERREZ** as an occupant for Apartment #802.

18. On or about January 5, 2011, **BLAS GUTIERREZ** drove to FFL Chaparral Guns in a white Ford-F-150 unmarked police vehicle registered to the Village of Columbus, purchased at least one hand gun of unknown make and model and one long gun of unknown make and model from FFL Chaparral Guns, and during the course of such purchase falsely represented on ATF Form 4473 that he was the actual purchaser of the firearms.

19. On or about January 13, 2011, **BLAS GUTIERREZ** purchased five American Tactical 9 mm pistols and five AK-47 type pistols, **RICARDO GUTIERREZ** purchased ten

AK-47 type pistols, and **ALBERTO RIVERA** purchased five AK-47 type pistols and six American Tactical 9 mm pistols, all from FFL Chaparral Guns, and during the course of such purchase falsely represented on ATF Form 4473 that they were the actual purchasers of the firearms. Four of the AK-47 type pistols purchased by **RICARDO GUTIERREZ** on this date were smuggled to Mexico and found in Mexico in February and March, 2011.

20. On or about January 20, 2011, **ALBERTO RIVERA** purchased eight AK-47 type pistols from FFL Chaparral Guns, and during the course of such purchase falsely represented on ATF Form 4473 that he was the actual purchaser of the firearms. Two of the AK-47 type pistols purchased by **ALBERTO RIVERA** on this date were smuggled to Mexico and found in Mexico in February and March, 2011.

21. On or about January 24, 2011, **EDDIE ESPINOZA** purchased five AK-47 type pistols from FFL Chaparral Guns, and during the course of such purchase falsely represented on ATF Form 4473 that he was the actual purchaser of the firearms. An individual unknown to the grand jury arrived that day at FFL Chaparral Guns to pick up the five AK-47 type pistols. One of the AK-47 type pistols purchased by **EDDIE ESPINOZA** on this date was smuggled to Mexico and found in Mexico around March, 2011.

22. On or about January 25, 2011, **BLAS GUTIERREZ** purchased ten American Tactical 9 mm pistols and **RICARDO GUTIERREZ** purchased ten American Tactical 9 mm pistols, all from FFL Chaparral Guns, and during the course of such purchase falsely represented on ATF Form 4473 that they were the actual purchasers of the firearms.

23. After purchasing the twenty American Tactical 9 mm pistols on January 25, 2011, **BLAS GUTIERREZ** and **RICARDO GUTIERREZ**, along with **MANUEL ORTEGA, a/k/a "Coruco"** and **VICENTE CARREON, a/k/a "Tito,"** drove to Apartment #802. **VICENTE CARREON, a/k/a "Tito"** purchased a black backpack from Kmart and carried the black backpack, along with a box containing the twenty firearms purchased that day, into Apartment #802. Shortly thereafter, **MANUEL ORTEGA, a/k/a "Coruco"** exited Apartment #802 with the black backpack, which was now full. **MANUEL ORTEGA, a/k/a "Coruco"** and **BLAS GUTIERREZ** went, in the Ford F-150 unmarked police vehicle registered to the Village of Columbus with the black backpack to the El Paso, Texas bus station, located on the corner of 6th Street and Oregon Street. **MANUEL ORTEGA, a/k/a "Coruco"** then drove to a Columbus, New Mexico home associated with **IGNACIO VILLALOBOS, a/k/a "Nacho" and "Nachito."**

24. On or about January 27, 2011, **MANUEL ORTEGA, a/k/a "Coruco"** and **VICENTE CARREON, a/k/a "Tito"** arrived at Apartment #802 with an unknown female driving a Honda Pilot with Chihuahua, Mexico plates. The Honda Pilot had entered the United States from Mexico one hour prior to arriving at Apartment #802. **VICENTE CARREON, a/k/a "Tito,"** accompanied by **MANUEL ORTEGA, a/k/a "Coruco,"** took a large black suitcase out of the Honda Pilot and carried it into Apartment #802. Approximately two hours later, **BLAS GUTIERREZ** wheeled the same large black suitcase out of Apartment #802 and placed it into the Ford F-150 unmarked police vehicle registered to the Village of Columbus. **BLAS GUTIERREZ** thereafter drove the large black suitcase to the El Paso, Texas bus station, located on the corner of 6th Street and Oregon Street.

25. On or about February 3, 2011, **BLAS GUTIERREZ** paid \$1,200.00 for Apartment #802 for an additional month with two money orders.

26. On or about February 5, 2011, **BLAS GUTIERREZ** and **IAN GARLAND** discussed **BLAS GUTIERREZ** purchasing, on behalf of others, ten semi-automatic firearms for a total of approximately \$20,000.00.

27. On or about February 5, 2011, **BLAS GUTIERREZ** asked an individual unknown to the grand jury whether that individual's uncle or cousin was still prepared to sign for firearms.

28. On or about February 5, 2011, **BLAS GUTIERREZ** ordered ten Beretta-style 9 mm handguns from **IAN GARLAND**, and told **IAN GARLAND** that **BLAS GUTIERREZ** and others would pay for the firearms the next day.

29. On or about February 5, 2011, **ANGELO VEGA**, at the direction of **BLAS GUTIERREZ**, purchased a .45 caliber handgun during a private sale and emphasized to **BLAS GUTIERREZ** that the private sale did not require paperwork or a signature. On the same day, **ANGELO VEGA** purchased multiple two-way radios for **BLAS GUTIERREZ**.

30. On or about February 9, 2011, **ALBERTO RIVERA**, accompanied by **BLAS GUTIERREZ**, purchased ten American Tactical 9 mm pistols from FFL Chaparral Guns, and during the course of such purchase falsely represented on ATF Form 4473 that he was the actual purchaser of the firearms. After the purchase, **ALBERTO RIVERA**, **BLAS GUTIERREZ**, and **VICENTE CARREON**, a/k/a "Tito" drove to a nearby dumpster, tore off parts of the UPC codes and serial numbers from the firearms boxes, and threw the firearms boxes in a dumpster. **ALBERTO RIVERA**, **BLAS GUTIERREZ**, and **VICENTE CARREON**, a/k/a "Tito" then

drove to a Columbus, New Mexico home associated with **IGNACIO VILLALOBOS, a/k/a “Nacho” and “Nachito.”**

31. On or about February 10, 2011, **IGNACIO VILLALOBOS, a/k/a “Nacho” and “Nachito”** ordered **BLAS GUTIERREZ** to purchase a Browning or a 38 Super handgun for **IGNACIO VILLALOBOS, a/k/a “Nacho” and “Nachito.”**

32. On or about February 10, 2011, **BLAS GUTIERREZ** and **ANGELO VEGA** purchased thousands of dollars worth of tactical combat gear at the direction of **IGNACIO VILLALOBOS, a/k/a “Nacho” and “Nachito,”** including body armor, to be sent to Mexico. **ANGELO VEGA** used his police credentials to purchase body armor that **ANGELO VEGA** knew would be smuggled to Mexico. Thereafter, **ANGELO VEGA** instructed **BLAS GUTIERREZ** and other individuals known and unknown to the grand jury not to tell anyone about the body armor.

33. On or about February 10, 2011, **BLAS GUTIERREZ** told **IAN GARLAND** that **RICARDO GUTIERREZ** would be coming to sign the Form 4473 for the purchase of ten AK-47 type pistols. On the evening of February 10, 2011, **RICARDO GUTIERREZ** signed the Form 4473 for ten AK-47 type pistols, and during the course of such purchase falsely represented on ATF Form 4473 that he was the actual purchaser of the firearms. **RICARDO GUTIERREZ** did not take the AK-47 type pistols with him when he departed Chaparral Guns.

34. On or about February 11, 2011, **BLAS GUTIERREZ** picked up the ten AK-47 type pistols from FFL Chaparral Guns, that had been signed for by **RICARDO GUTIERREZ** the night before. **IGNACIO VILLALOBOS, a/k/a “Nacho” and “Nachito”** directed this purchase of ten AK-47 type pistols.

35. On or about February 11, 2011, **BLAS GUTIERREZ** disposed of, in a dumpster, at least nine empty firearms boxes for AK-47 type pistols, as well as a white and blue empty box with the words "PACA Body Armor."

36. On or about February 11, 2011, **IAN GARLAND** informed **BLAS GUTIERREZ** that the forty AK-47 type pistols were expected to arrive at FFL Chaparral Guns that evening.

37. On or about February 11, 2011, **BLAS GUTIERREZ** discussed with an individual unknown to the grand jury the need to have two individuals sign for the forty AK-47 type pistols.

38. On or about February 11, 2011, **BLAS GUTIERREZ** told **IAN GARLAND** that the individuals who were going to sign for the forty AK-47 type pistols would be coming the next day.

39. On or about the evening of February 11, 2011, **EDDIE ESPINOZA** agreed with **BLAS GUTIERREZ** that **EDDIE ESPINOZA** would sign a Form 4473 for firearms at FFL Chaparral Guns, even though **EDDIE ESPINOZA** knew he would not be the actual purchaser of those firearms.

40. On or about the morning of February 12, 2011, **MIGUEL CARRILLO**, accompanied by **BLAS GUTIERREZ**, purchased ten AK-47 type pistols from FFL Chaparral Guns, and during the course of such purchase falsely represented on ATF Form 4473 that he was the actual purchasers of the firearms. **MIGUEL CARRILLO** and **BLAS GUTIERREZ** exited FFL Chaparral Guns each carrying one duffle bag. **IGNACIO VILLALOBOS, a/k/a "Nacho"** and **"Nachito,"** directed this purchase of ten AK-47 type pistols.

41. On or about the morning of February 12, 2011, **BLAS GUTIERREZ** wheeled

multiple duffle bags into Apartment #802.

42. On or about the evening of February 12, 2011, **EVA GUTIERREZ**, accompanied by **BLAS GUTIERREZ**, purchased ten AK-47 type pistols from FFL Chaparral Guns, and during the course of such purchase falsely represented on ATF Form 4473 that she was the actual purchaser of the firearms. **IGNACIO VILLALOBOS**, a/k/a "Nacho" and "Nachito," directed this purchase of ten AK-47 type pistols.

43. On or about the evening of February 12, 2011, **BLAS GUTIERREZ** transported the ten AK-47 type pistols, purchased by **EVA GUTIERREZ** that evening, towards Columbus, New Mexico. Law enforcement stopped **BLAS GUTIERREZ** traveling towards Columbus on New Mexico Highway 9 and seized the ten AK-47 type pistols from his vehicle.

44. On or about February 12, 2011, after law enforcement seized the ten AK-47 type pistols, **BLAS GUTIERREZ** told his wife that she should get \$4,000.00 to purchase ten more AK-47 type pistols.

45. On or about February 12, 2011, after law enforcement seized the ten AK-47 type pistols, **EDDIE ESPINOZA** agreed to call law enforcement to help **BLAS GUTIERREZ** retrieve the ten AK-47 type pistols.

46. On or about February 13, 2011, **ANGELO VEGA** asked **BLAS GUTIERREZ** for the phone number of the officer that had seized the ten AK-47 type pistols so that **ANGELO VEGA** could help **BLAS GUTIERREZ** retrieve the ten AK-47 type pistols from law enforcement.

47. On or about February 14, 2011, after law enforcement had seized twenty AK-47 type pistols, thirty high capacity magazines, and a Dremel grinding tool kit from Apartment #802, **ANGELO VEGA** and **BLAS GUTIERREZ** discussed who could have taken the twenty AK-47 type pistols from Apartment #802, and **ANGELO VEGA** advised **BLAS GUTIERREZ** that **MANUEL ORTEGA, a/k/a "Coruco"** probably had already sent the twenty AK-47 type pistols to Mexico.

48. On or about February 14, 2011, after law enforcement had seized twenty AK-47 type pistols, thirty high capacity magazines, and a Dremel grinding tool from Apartment #802, **BLAS GUTIERREZ** called an individual in Mexico unknown to the grand jury and told the unknown individual that **BLAS GUTIERREZ** was having problems.

49. On or about February 14, 2011, **BLAS GUTIERREZ** advised **IGNACIO VILLALOBOS, a/k/a "Nacho"** and **"Nachito"** about the twenty AK-47 type pistols that were missing from Apartment #802, and discussed what **IGNACIO VILLALOBOS, a/k/a "Nacho"** and **"Nachito"** would tell the people in Mexico about the missing twenty AK-47 type pistols.

50. On or about February 14, 2011, **BLAS GUTIERREZ** and **ANGELO VEGA** discussed how **BLAS GUTIERREZ** had twenty more AK-47 type pistols that needed to be picked up, and **ANGELO VEGA** advised **BLAS GUTIERREZ** that he should purchase a gun safe to protect the next batch of firearms.

51. On or about February 14, 2011, **ANGELO VEGA** agreed to get an AR-15 semi-automatic rifle for **BLAS GUTIERREZ**.

52. On or about February 15, 2011, **BLAS GUTIERREZ** told **IAN GARLAND** that **BLAS GUTIERREZ** would be sending an individual known or unknown to the grand jury to

pick up the remaining twenty AK-47 type pistols that **IAN GARLAND** was holding for **BLAS GUTIERREZ**.

53. On or about February 16, 2011, **ANGELO VEGA** called a federal agent and vouched for **BLAS GUTIERREZ** to assist **BLAS GUTIERREZ** in retrieving the ten AK-47 type pistols that had been seized by law enforcement on February 12, 2011. In so doing, **ANGELO VEGA** lied to the federal agent by stating that everything **BLAS GUTIERREZ** was doing with firearms was legitimate, when in fact **ANGELO VEGA** knew **BLAS GUTIERREZ** was involved in smuggling firearms to Mexico.

54. On or about February 17, 2011, **BLAS GUTIERREZ** and **ANGELO VEGA** coordinated the pick-up of bulk cash in the Albuquerque, New Mexico area. **BLAS GUTIERREZ** then drove to the Albuquerque area, picked up the bulk cash, drove the bulk cash back to Columbus, New Mexico, from where the bulk cash was soon smuggled into Mexico.

55. On or about February 18, 2011, **BLAS GUTIERREZ** and **ANGELO VEGA** agreed that **ANGELO VEGA** would purchase four bullet-proof vests for **IGNACIO VILLALOBOS**, a/k/a "Nacho" and "Nachito."

56. On or about February 24, 2011, **BLAS GUTIERREZ** purchased five AK-47 type pistols and **ALBERTO RIVERA** purchased five AK-47 type pistols, all from FFL Chaparral Guns, and during the course of such purchase falsely represented on ATF Form 4473 that they were the actual purchasers of the firearms.

57. On or about February 24, 2011, **BLAS GUTIERREZ** and **ALBERTO RIVERA** transported the ten AK-47 type pistols towards Columbus, New Mexico. Law enforcement stopped **BLAS GUTIERREZ** and **ALBERTO RIVERA** traveling towards Columbus on New

Mexico Highway 9 and seized the ten AK-47 type pistols along with 1,580 rounds of 7.62 mm ammunition.

58. On or about February 24, 2011, **ANGELO VEGA** called a federal agent on behalf of **BLAS GUTIERREZ** and told the federal agent that **BLAS GUTIERREZ** was not sending firearms to Mexico, when in fact **ANGELO VEGA** knew **BLAS GUTIERREZ** was involved in smuggling firearms to Mexico.

In violation of 18 U.S.C. § 371.

Counts 2 - 42

(False Statements in Connection With the Acquisition of Firearms)

On or about the dates listed below, in Luna and Otero Counties and elsewhere, in the District of New Mexico, each Defendant, as set forth below, did knowingly make a false statement and representation with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of the Federally Licensed Firearms Dealers listed below, businesses licensed under the provisions of Chapter 44 of Title 18, United States Code, in that each Defendant listed below executed an ATF Form 4473, Firearms Transaction Record, representing that the Defendant was the actual purchaser of the firearm(s) listed on the forms, when in fact the Defendant was purchasing the firearm(s) on behalf of another.

In violation of Title 18, United States Code, Section 924(a)(1)(A) and Title 18, United States Code, Section 2.

COUNT	DATE	DEFENDANT	FEDERALLY LICENSED FIREARMS DEALER
2	February 13, 2010	BLAS GUTIERREZ	New Deal Shooting Sports
3	June 27, 2010	BLAS GUTIERREZ	Chaparral Guns
4	July 9, 2010	BLAS GUTIERREZ	Chaparral Guns
5	July 9, 2010	IAN GARLAND	Chaparral Guns
6	July 13, 2010	BLAS GUTIERREZ	Chaparral Guns
7	July 13, 2010	IAN GARLAND	Chaparral Guns
8	August 20, 2010	BLAS GUTIERREZ	Chaparral Guns
9	August 20, 2010	ALBERTO RIVERA	Chaparral Guns
10	September 5, 2010	BLAS GUTIERREZ	Chaparral Guns
11	September 5, 2010	MIGUEL CARRILLO	Chaparral Guns
12	September 5, 2010	IAN GARLAND	Chaparral Guns
13	September 7, 2010	BLAS GUTIERREZ	Chaparral Guns
14	September 7, 2010	ALBERTO RIVERA	Chaparral Guns
15	September 7, 2010	IAN GARLAND	Chaparral Guns
16	September 24, 2010	BLAS GUTIERREZ	Chaparral Guns
17	September 30, 2010	BLAS GUTIERREZ	Chaparral Guns
18	September 30, 2010	ALBERTO RIVERA	Chaparral Guns
19	October 4, 2010	EDDIE ESPINOZA	Chaparral Guns
20	October 4, 2010	ALBERTO RIVERA	Chaparral Guns
21	October 13, 2010	BLAS GUTIERREZ	Chaparral Guns
22	October 18, 2010	BLAS GUTIERREZ	Chaparral Guns
23	October 18, 2010	EDDIE ESPINOZA	Chaparral Guns

COUNT	DATE	DEFENDANT	FEDERALLY LICENSED FIREARMS DEALER
24	October 20, 2010	ALBERTO RIVERA	Chaparral Guns
25	January 5, 2011	BLAS GUTIERREZ	Chaparral Guns
26	January 13, 2011	BLAS GUTIERREZ	Chaparral Guns
27	January 13, 2011	RICARDO GUTIERREZ	Chaparral Guns
28	January 13, 2011	ALBERTO RIVERA	Chaparral Guns
29	January 20, 2011	ALBERTO RIVERA	Chaparral Guns
30	January 24, 2011	EDDIE ESPINOZA	Chaparral Guns
31	January 25, 2011	BLAS GUTIERREZ	Chaparral Guns
32	January 25, 2011	RICARDO GUTIERREZ	Chaparral Guns
33	February 9, 2011	ALBERTO RIVERA	Chaparral Guns
34	February 11, 2011	RICARDO GUTIERREZ	Chaparral Guns
35	February 11, 2011	BLAS GUTIERREZ	Chaparral Guns
36	February 11, 2011	IAN GARLAND	Chaparral Guns
37	February 12, 2011	MIGUEL CARRILLO	Chaparral Guns
38	February 12, 2011	EVA GUTIERREZ	Chaparral Guns
39	February 12, 2011	BLAS GUTIERREZ	Chaparral Guns
40	February 12, 2011	IAN GARLAND	Chaparral Guns
41	February 24, 2011	BLAS GUTIERREZ	Chaparral Guns
42	February 24, 2011	ALBERTO RIVERA	Chaparral Guns

Counts 43 - 84
(Firearms Smuggling)

On or about the dates listed below, in Luna and Otero Counties and elsewhere, in the District of New Mexico, each Defendant knowingly and unlawfully received, concealed, bought, sold, and facilitated the transportation, concealment, and sale of the merchandise, articles, and objects as set forth below, prior to exportation, knowing the same to be intended for exportation from the United States contrary to any law or regulation of the United States.

All in violation of Title 18, United States Code, Sections 554 and Title 18, United States Code, Section 2.

COUNT	DATE	DEFENDANT	MERCHANDISE, ARTICLES, AND OBJECTS
43	January 14, 2010	BLAS GUTIERREZ	Three AK-47 type pistols, three FN 5.7 pistols, and two Ruger .45 caliber pistols possessed by Blas Gutierrez and Miguel Carrillo on January 14, 2010
44	January 14, 2010	MIGUEL CARRILLO	Three AK-47 type pistols, three FN 5.7 pistols, and two Ruger .45 caliber pistols possessed by Blas Gutierrez and Miguel Carrillo on January 14, 2010
45	February 13, 2010	BLAS GUTIERREZ	Two AK-47 type pistols purchased by Blas Gutierrez on February 13, 2010
46	June 27, 2010	BLAS GUTIERREZ	Two AK-47 type pistols and one 5.56 rifle purchased by Blas Gutierrez on June 27, 2010
47	July 9, 2010	BLAS GUTIERREZ	One AK-47 type rifle purchased on July 9, 2010 by an individual known to the grand jury

COUNT	DATE	DEFENDANT	MERCHANDISE, ARTICLES, AND OBJECTS
48	July 13, 2010	BLAS GUTIERREZ	Two AK-47 type pistols and one AK-47 type rifle purchased on July 13, 2010 by an individual known to the grand jury
49	August 20, 2010	BLAS GUTIERREZ	Three AK-47 type pistols purchased by Blas Gutierrez on August 20, 2010
50	August 20, 2010	ALBERTO RIVERA	Two AK-47 type pistols purchased by Alberto Rivera on August 20, 2010
51	September 5, 2010	BLAS GUTIERREZ	Seven AK-47 type pistols purchased by Blas Gutierrez and one individual known to the grand jury on September 5, 2010
52	September 5, 2010	MIGUEL CARRILLO	Four AK-47 type pistols purchased by Miguel Carrillo on September 5, 2010
53	September 7, 2010	BLAS GUTIERREZ	Ten American Tactical 9 mm pistols purchased by Blas Gutierrez and two individuals known to the grand jury on September 7, 2010
54	September 7, 2010	ALBERTO RIVERA	Five American Tactical 9 mm pistols purchased by Alberto Rivera on September 7, 2010
55	September 24, 2010	BLAS GUTIERREZ	1 FN 5.7 mm pistol and one Twin Pines 9 mm pistol purchased by Blas Gutierrez on September 24, 2010

COUNT	DATE	DEFENDANT	MERCHANDISE, ARTICLES, AND OBJECTS
56	September 30, 2010	BLAS GUTIERREZ	Seven AK-47 type pistols and one Taurus .22 caliber pistol purchased by Blas Gutierrez on September 30, 2010
57	September 30, 2010	ALBERTO RIVERA	Five American Tactical 9 mm pistols purchased by Alberto Rivera on September 30, 2010
58	October 4, 2010	EDDIE ESPINOZA	One AK-47 type pistol and five American Tactical 9 mm pistols purchased by Eddie Espinoza on October 4, 2010
59	October 4, 2010	ALBERTO RIVERA	Two AK-47 type pistols purchased by Alberto Rivera on October 4, 2010
60	October 13, 2010	BLAS GUTIERREZ	Two American Tactical 9 mm pistols and one Keltec .380 caliber pistol purchased by Blas Gutierrez on October 13, 2010
61	October 18, 2010	BLAS GUTIERREZ	Five American Tactical 9 mm pistols purchased by Blas Gutierrez on October 18, 2010
62	October 18, 2010	EDDIE ESPINOZA	Six AK-47 type pistols purchased by Eddie Espinoza on October 18, 2010
63	October 20, 2010	ALBERTO RIVERA	Four AK-47 type pistols and three American Tactical 9 mm pistols purchased by Alberto Rivera on October 20, 2010
64	January 5, 2011	BLAS GUTIERREZ	At least one hand gun and at least one long gun of unknown makes and models purchased by Blas Gutierrez on January 5, 2011

COUNT	DATE	DEFENDANT	MERCHANDISE, ARTICLES, AND OBJECTS
65	January 13, 2011	BLAS GUTIERREZ	Five AK-47 type pistols and five American Tactical 9 mm pistols purchased by Blas Gutierrez on January 13, 2011
66	January 13, 2011	RICARDO GUTIERREZ	Ten AK-47 type pistols purchased by Ricardo Gutierrez on January 13, 2011
67	January 13, 2011	ALBERTO RIVERA	Five AK-47 type pistols and six American Tactical 9 mm pistols purchased by Alberto Rivera on January 13, 2011
68	January 20, 2011	ALBERTO RIVERA	Eight AK-47 type pistols purchased by Alberto Rivera on January 20, 2011
69	January 24, 2011	EDDIE ESPINOZA	Five AK-47 type pistols purchased by Eddie Espinoza on January 24, 2011
70	January 25, 2011	BLAS GUTIERREZ	Twenty American Tactical 9 mm pistols purchased by Blas Gutierrez and Ricardo Gutierrez on January 25, 2011
71	January 25, 2011	RICARDO GUTIERREZ	Twenty American Tactical 9 mm pistols purchased by Ricardo Gutierrez on January 25, 2011
72	January 25, 2011	MANUEL ORTEGA, a/k/a "Coruco"	Twenty American Tactical 9 mm pistols purchased by Blas Gutierrez and Ricardo Gutierrez on January 25, 2011
73	January 25, 2011	VICENTE CARREON, a/k/a "Tito"	Twenty American Tactical 9 mm pistols purchased by Blas Gutierrez and Ricardo Gutierrez on January 25, 2011

COUNT	DATE	DEFENDANT	MERCHANDISE, ARTICLES, AND OBJECTS
74	February 9, 2011	ALBERTO RIVERA	Ten American Tactical 9 mm pistols purchased by Alberto Rivera on February 9, 2011
67	January 13, 2011	ALBERTO RIVERA	Five AK-47 type pistols and six American Tactical 9 mm pistols purchased by Alberto Rivera on January 13, 2011
68	January 20, 2011	ALBERTO RIVERA	Eight AK-47 type pistols purchased by Alberto Rivera on January 20, 2011
69	January 24, 2011	EDDIE ESPINOZA	Five AK-47 type pistols purchased by Eddie Espinoza on January 24, 2011
70	January 25, 2011	BLAS GUTIERREZ	Twenty American Tactical 9 mm pistols purchased by Blas Gutierrez and Ricardo Gutierrez on January 25, 2011
71	January 25, 2011	RICARDO GUTIERREZ	Twenty American Tactical 9 mm pistols purchased by Ricardo Gutierrez on January 25, 2011
72	January 25, 2011	MANUEL ORTEGA, a/k/a "Coruco"	Twenty American Tactical 9 mm pistols purchased by Blas Gutierrez and Ricardo Gutierrez on January 25, 2011
73	January 25, 2011	VICENTE CARREON, a/k/a "Tito"	Twenty American Tactical 9 mm pistols purchased by Blas Gutierrez and Ricardo Gutierrez on January 25, 2011
74	February 9, 2011	ALBERTO RIVERA	Ten American Tactical 9 mm pistols purchased by Alberto Rivera on February 9, 2011

COUNT	DATE	DEFENDANT	MERCHANDISE, ARTICLES, AND OBJECTS
75	February 9, 2011	BLAS GUTIERREZ	Ten American Tactical 9 mm pistols purchased by Alberto Rivera on February 9, 2011
76	February 11, 2011	RICARDO GUTIERREZ	Ten AK-47 type pistols purchased by Ricardo Gutierrez on February 11, 2011
77	February 11, 2011	BLAS GUTIERREZ	Ten AK-47 type pistols purchased by Ricardo Gutierrez on February 11, 2011
78	February 11, 2011	IGNACIO VILLALOBOS, a/k/a "Nacho" and "Nachito"	Ten AK-47 type pistols purchased by Ricardo Gutierrez on February 11, 2011
79	February 12, 2011	MIGUEL CARRILLO	Ten AK-47 type pistols purchased by Miguel Carrillo on February 12, 2011
80	February 12, 2011	BLAS GUTIERREZ	Twenty AK-47 type pistols purchased by Miguel Carrillo and Eva Gutierrez on February 12, 2011
81	February 12, 2011	IAN GARLAND	Twenty AK-47 type pistols purchased by Miguel Carrillo and Eva Gutierrez on February 12, 2011
82	February 12, 2011	IGNACIO VILLALOBOS, a/k/a "Nacho" and "Nachito"	Twenty AK-47 type pistols purchased by Miguel Carrillo and Eva Gutierrez on February 12, 2011

COUNT	DATE	DEFENDANT	MERCHANDISE, ARTICLES, AND OBJECTS
83	February 24, 2011	BLAS GUTIERREZ	Five AK-47 type pistols purchased by Blas Gutierrez on February 24, 2011 and one thousand five hundred rounds of 7.62 ammunition purchased by either Blas Gutierrez or Alberto Rivera on February 24, 2011
84	February 24, 2011	ALBERTO RIVERA	Five AK-47 type pistols purchased by Blas Gutierrez on February 24, 2011 and one thousand five hundred rounds of 7.62 ammunition purchased by either Blas Gutierrez or Alberto Rivera on February 24, 2011

Forfeiture Allegation

Upon conviction of one or more of the offenses in violation of Title 18, United States Code, Sections 554 and 924, set forth in Counts 2 through 84 of this Indictment, the Defendants 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 and/or ammunition involved in or used in the knowing violation of the statutes set forth above.

If any of the property described above, as a result of any act or omission of the Defendants:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;

- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty,

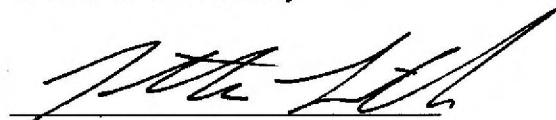
the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

All pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c).

A TRUE BILL:

/s/
FOREPERSON OF THE GRAND JURY

KENNETH J. GONZALES
United States Attorney


Assistant United States Attorney