

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

*DOA:
12/15/10*

UNITED STATES OF AMERICA
V.

ATF

CRIMINAL COMPLAINT

CASE NUMBER: *10-629M*

I, the undersigned complainant, being duly sworn state the following is true and correct to the best of my knowledge and belief.

See Attached Charges Incorporated by Reference Herein

I further state that I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and that this complaint is based on the following facts:

See Attached Statement of Probable Cause Incorporated by Reference Herein

Continued on the attached sheet and made a part hereof: YES NO

AUTHORIZED BY: AUSA Emory Hurley *EH*

ATF

ATF

Name of Complainant

Signature of Complainant

Sworn to before me and subscribed in my presence,

December 16, 2010

Phoenix, Arizona

Date

At _____
City and State

HON. MICHELLE H. BURNS,
United States Magistrate Judge

Michelle Burns

Name and Title of Judicial Officer

Signature of Judicial Officer

CHARGES

COUNT 1

On or about June 15, 2010, defendant [ATF], knowingly made 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 [ATF] [ATF] a business licensed under the provisions of Chapter 44 of Title 18, United States Code, in that defendant executed a Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) Form 4473, Firearms Transaction Record, representing that his current residential address was a particular address on West Monte Vista Road, Phoenix, Arizona, whereas in truth and in fact, as defendant well knew, he no longer lived at that address.

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

STATEMENT OF PROBABLE CAUSE

I, ATF a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), having first been duly sworn upon her oath, deposes and states as follows:

1. Your affiant is employed as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) and has been so employed for over 3 years. Prior to your affiant's current employment with ATF, your affiant was a Patrol Officer, Narcotics Detective, Field Training Officer and Sergeant with the Arlington Police Department, Arlington, TX, for approximately eight and one half years.
2. As an ATF Special Agent, my duties include the investigation of alleged violations of Federal criminal law relating to the illegal acquisition, possession and distribution of firearms. I have received specialized training and experience relating to these statutes and am familiar with the manner in which firearms are unlawfully acquired, transported, distributed and possessed. I have conducted or participated in numerous investigations involving persons who acquire firearms illegally from Federal Firearms Licensees (FFL).
3. Since this affidavit is being submitted for the limited purposes of obtaining a Criminal Complaint and Arrest Warrant; your affiant has not included each and every known fact concerning this investigation. Rather, I have set forth only the facts that I believe are essential in establishing the necessary foundation for the requested Criminal Complaint and Arrest Warrant. The evidence

supporting these allegations is either the result of your affiant's own personal investigation or information that has been provided to your affiant by other ATF Special Agents and law enforcement officers (LEO'S).

4. On June 12, 2010, [ATF] purchased one (1) Smith & Wesson, Model – 645, .45 caliber pistol, serial number: TAZ4675, from the Federal Firearms Licensee (FFL), Cooperstate Guns, located at 6711 W. Glendale Ave., Glendale, AZ 85303. [ATF] paid \$450.47 for this firearm.
5. Your affiant has reviewed the ATF Form 4473, Firearms Transaction Record, completed by [ATF] for this transaction. [ATF] provided his “Current Residence Address” in block “2” of the ATF Form 4473, Firearms Transaction Record, as a particular address on West Monte Vista Road, Phoenix, Arizona. [ATF] was identified by his correct DOB and AZ Driver's License number recorded on this ATF Form 4473.
6. On June 12, 2010, [ATF] purchased two (2) Taurus, Model – PT24/7, .45 ACP caliber semi-automatic pistols, serial numbers: NDN64379 and NCV83961, and one (1) Taurus, Model – PT24/7, .40 S&W caliber semi-automatic pistols, serial number: SD070055, from the Federal Firearms Licensee (FFL), [ATF] located at 5140 W. Peoria Ave., Glendale, AZ 85302. [ATF] paid \$1,212.65 cash for these firearms.
7. Your affiant has reviewed the ATF Form 4473, Firearms Transaction Record, completed by [ATF] for this transaction. [ATF] provided his “Current Residence Address” in block “2” of the ATF Form 4473, Firearms Transaction

Record, as a particular address on West Monte Vista Road, Phoenix, Arizona.

ATF was identified by his correct DOB and AZ Driver's License number recorded on this ATF Form 4473.

8. On June 15, 2010, **ATF** purchased three (3) Ruger, Model – P95, 9mm semi-automatic pistols, serial numbers: 317-41187, 317-41201, and 317-41200 from the Federal Firearms Licensee (FFL), **ATF** **ATF** located at 5140 W. Peoria Ave., Glendale, AZ 85302. **ATF** paid \$982.22 cash for these firearms.

9. Your affiant has reviewed the ATF Form 4473, Firearms Transaction Record, completed by **ATF** for this transaction. **ATF** provided his “Current Residence Address” in block “2” of the ATF Form 4473, Firearms Transaction Record, as a particular address on West Monte Vista Road, Phoenix, Arizona. **ATF** was identified by his correct DOB and AZ Driver's License number recorded on this ATF Form 4473.

10. On June 15, 2010, **ATF** purchased one (1) Barrett, Model 82A1, 50 BMG caliber semi-automatic rifle, serial number: 14753 from the Federal Firearms Licensee (FFL), **ATF** located at 14860 N. Northsight Blvd., Scottsdale, AZ 85260. **ATF** paid \$9,260.70 cash for this firearm.

11. Your affiant has reviewed the ATF Form 4473, Firearms Transaction Record, completed by **ATF** for this transaction. **ATF** provided his “Current Residence Address” in block “2” of the ATF Form 4473, Firearms Transaction Record, as a particular address on West Monte Vista Road, Phoenix, Arizona.

ATF was identified by his correct DOB and AZ Driver's License number recorded on this ATF Form 4473.

12. On December 15, 2010, your affiant reviewed documents that reflect that on April 5, 2010, the property located at the address on West Monte Vista Road, Phoenix, AZ, was sold at public auction.

13. On December 15, 2010, ATF Special Agent **ATF** interviewed the current occupant of the address on West Monte Vista Road, Phoenix, AZ, which **ATF** listed as his current address on the above referenced ATF Form 4473s. The current occupant of the address stated that they purchased the residence in April of 2010. The occupant further advised they had resided at this address continually since that time (April 2010) and did not know **ATF** **ATF** and at no time since they assumed custody of this address did **ATF** **ATF** reside with them at this address.

14. On December 15, 2010, ATF S/A's **ATF** and Christi Van Werden interviewed **ATF** at his sister's residence on 72nd Avenue, Phoenix, AZ. **ATF** admitted to purchasing approximately forty (40) AK-47 type rifles for an unidentified Hispanic male since the beginning of the year. **ATF** advised he was paid approximately fifty dollars to purchase each firearm. **ATF** advised the firearms after the purchase were given to the unidentified Hispanic male who provided **ATF** money to purchase the firearms. **ATF** admitted to lying on the ATF Forms 4473, Firearms Transactions Records, when **ATF** answered "yes" to question 11a "Are you the actual transferee/buyer

of the firearms listed on this form?" **ATF** admitted he had not resided at the particular address on West Monte Vista Rd., Phoenix, AZ, for two or three years. **ATF** admitted to being untruthful when he provided the address on West Monte Vista Rd., Phoenix, AZ, as his current residence on the ATF Forms 4473, Firearms Transactions Records. **ATF** used the address because it was the address still listed on his Arizona Driver's License. **ATF** denied purchasing any pistols including the three Ruger model P95 pistols purchased on June 15, 2010. **ATF** admitted the handwriting on the ATF Form 4473, Firearms Transaction Record, dated January 16, 2010, Sections 1-8, was his handwriting. S/A **ATF** reviewed **ATF**'s ATF Form 4473, Firearms Transaction Record, dated January 16, 2010, as well as his other ATF Form 4473s referenced above, and observed that **ATF** is identified on all of the forms by the same DOB and AZ Driver's License number. Additionally, the handwriting on all of the forms appeared to be the same handwriting.

For the foregoing reasons, probable cause exists to charge **ATF** with violations of Title 18, United State Code, Sections 924(a)(1)(A).

ATF

Special Agent, Bureau of Alcohol, Tobacco, Firearms & Explosives

Sworn to and subscribed before me this 16th day of December 2010.



HON. MICHELLE H. BURNS
United States Magistrate Judge