

FILED

2011 JAN -5 P 4: 35

RICHARD H. WEARE, CLERK
U.S. DIST. COURT FOR THE
DISTRICT OF ARIZONA

BY _____
DEPUTY CLERK

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2 District of Arizona
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6 Attorneys for Plaintiff

7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF ARIZONA**

CR 11 - 008 1 TUC

9 **INDICTMENT**

RCC/HCE

10 United States of America,

11 Plaintiff,

12 v.

14 Jose Rafael Gomez-Soto,
Eduardo Gomez-Soto,
15 Ivan Barrett Smith,

16 Defendants.

Violations:

- 18 USC §2(a)
- 18 USC §922(g)(5)(B)
- 18 USC §924(a)(1)(A)
- 18 USC §924(a)(2)
- 26 USC §5861(d)
- 26 USC §5841
- 26 USC §5871
- 18 USC §924(d)
- 26 USC §5872
- 28 USC §2461(c)

(Possession of Firearm by Non-Immigrant Alien, False Statement During Purchase of Firearm, Aiding & Abetting, Possession of Unregistered Firearms, Forfeiture)

19 **THE GRAND JURY CHARGES:**

20 **COUNT 1**

21 On or about December 7, 2010, at or near Rio Rico, in the District of Arizona,
22 JOSE RAFAEL GOMEZ-SOTO, an alien who was admitted to the United States under a
23 non-immigrant visa, did knowingly possess firearms, that is, one TNW, model HB M2, .50
24 caliber rifle, serial number 879B, and two Colt AR 15 A2 rifles, serial numbers LLC001479
25 and LLC001260; said firearms being in and affecting commerce in that they were

26 ///

1 violation of Title 18, United States Code, Sections 922(g)(5)(B) and 924(a)(2).

2 **COUNT 2**

3 On or about December 7, 2010, at or near Tucson, in the District of Arizona,
4 EDUARDO GOMEZ-SOTO and IVAN BARRETT SMITH knowingly made a false
5 statement and representation to Ten Ring Sports, licensed under the provisions of Chapter
6 44, Title 18, United States Code, with respect to information required by the provisions of
7 Chapter 44, Title 18, United States Code, to be kept in the records of Ten Ring Sports, in
8 that IVAN BARRETT SMITH represented that he was the actual transferee/buyer of a
9 firearm: to wit, one TNW, model HB M2, .50 caliber rifle, serial number 879B; and was not
10 acquiring the firearm on behalf of another person; and EDUARDO GOMEZ-SOTO aided,
11 abetted, counseled, commanded, induced and procured such representation; in violation of
12 Title 18, United States Code, Sections 924(a)(1)(A) and 2(a).

13 **COUNT 3**

14 On or about December 7, 2010, at or near Tucson, in the District of Arizona,
15 EDUARDO GOMEZ-SOTO and IVAN BARRETT SMITH knowingly made a false
16 statement and representation to Ten Ring Sports, licensed under the provisions of Chapter
17 44, Title 18, United States Code, with respect to information required by the provisions of
18 Chapter 44, Title 18, United States Code, to be kept in the records of Ten Ring Sports, in
19 that IVAN BARRETT SMITH represented that he was the actual transferee/buyer of
20 firearms: to wit, two Colt AR 15 A2 rifles, serial numbers LLC001479 and LLC001260; and
21 was not acquiring the firearms on behalf of another person; and EDUARDO GOMEZ-
22 SOTO aided, abetted, counseled, commanded, induced and procured such representation;
23 in violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2(a).

24 **COUNT 4**

25 On or about December 8, 2010, at or near Tucson, in the District of Arizona,
26 IVAN BARRETT SMITH possessed a firearm, that is; two flash bang grenades, which are
US v. Jose Rafael Gomez-Soto, et al, Indictment Page 2

COUNT 4

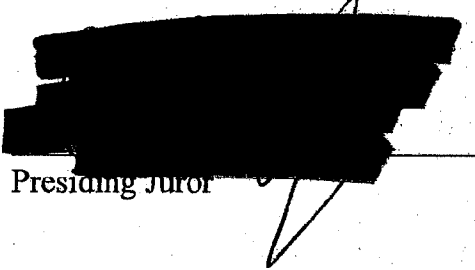
On or about December 8, 2010, at or near Tucson, in the District of Arizona, IVAN BARRETT SMITH possessed a firearm, that is; two flash bang grenades, which are destructive devices; not registered to IVAN BARRETT SMITH in the National Firearms Registration and Transfer Record, in violation of Title 26, United States Code, Sections 5841, 5861(d) and 5871.

FORFEITURE ALLEGATION

Upon conviction of the offenses in violation of Title 18, United States Code, Sections 922 and 924 set forth in Counts One through Three of this Indictment, the defendants, Jose Rafael Gomez-Soto, Eduardo Gomez-Soto, and Ivan Barrett Smith, 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 ammunition involved in the commission of the offenses, including, but not limited to: one TNW, model HB M2, .50 Caliber Rifle, Serial Number 879B, and two Colt AR 15 A2 rifles, Serial Numbers LLC001479 and LLC001260. Upon conviction of the offenses in violation of Title 26, United States Code, Sections 5841, 5861(d) and 5871 set forth in Count Four of this Indictment, the defendant, Ivan Barrett Smith, shall forfeit to the United States pursuant to Title 26, United States Code, Section 5872 and Title 28, United States Code, Section 2461(c), any firearm involved in the commission of the offense including but not limited to: two flash bang grenades, which are destructive devices. All pursuant to Title 18, United States Code, Section 924(d), Title 26, United States Code, Section 5872 and Title 28, United States Code, Section 2461(c) and Rule 32.2(a) of the Federal Rules of Criminal Procedure.

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A TRUE BILL

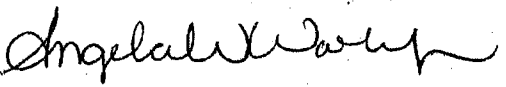


Presiding Juror

DENNIS K. BURKE
United States Attorney
District of Arizona

REDACTED FOR
PUBLIC DISCLOSURE

JAN 05 2011



Assistant U.S. Attorney

Public

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APR 29 2011	
CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	DEPUTY _____

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 EDUARDO GOMEZ-SOTO,)
)
 Defendant.)
 _____)

VERDICT

CASE NO CR-11-81-2-TUC-RCC(HCE)

WE THE JURY, FIND THE DEFENDANT, EDUARDO GOMEZ-SOTO,

not guilty OF FALSE STATEMENT DURING PURCHASE OF FIREARM,
TO WIT, ONE TNW, MODEL HB M2, .50 CALIBER RIFLE
SERIAL NUMBER 879B, AS CHARGED IN COUNT 2
OF THE INDICTMENT.

5
FOREPERSON'S JUROR NUMBER (#)

4-29-11
Date

Public

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APR 29 2011	
CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	DEPUTY

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 JOSE RAFAEL GOMEZ-SOTO,)
)
 Defendant.)
 _____)

VERDICT

CASE NO CR-11-81-1-TUC-RCC (HCE)

WE THE JURY, FIND THE DEFENDANT, JOSE RAFAEL GOMEZ-SOTO,

Not guilty OF POSSESSION OF FIREARMS BY NON-IMMIGRANT
ALIEN, THAT IS ONE TNW, MODEL HB M2, .50
CALIBER RIFLE, SERIAL NUMBER 879B, AND
TWO COLT AR15 A2 RIFLES, SERIAL NUMBERS
LLC001479 AND LLC001260 AS CHARGED IN COUNT 1
OF THE INDICTMENT.

5

FOREPERSON'S JUROR NUMBER (#)

4-29-11

Date

Public

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	DEPUTY

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 EDUARDO GOMEZ-SOTO,)
)
 Defendant.)
 _____)

VERDICT

CASE NO CR-11-81-2-TUC-RCC(HCE)

WE THE JURY, FIND THE DEFENDANT, EDUARDO GOMEZ-SOTO,

not guilty

OF FALSE STATEMENT DURING PURCHASE OF FIREARMS,
TO WIT, TWO COLT AR15 A2 RIFLES, SERIAL NUMBERS
LLC001479 AND LLC001260 AS CHARGED IN COUNT 3
OF THE INDICTMENT.

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FOREPERSON'S JUROR NUMBER (#)

4-29-11

Date

(Tucson Division)

CRIMINAL MINUTES

11/ 81 / Date: April 29, 2011
Yr Case No. Dft#

X Hon. DAVID C. BURY #7030

USA v. JOSE RAFAEL GOMEZ-SOTO (1)
FIRST NAME MIDDLE NAME LAST NAME
DEFENDANT: X Present Not Present Released X Custody Writ

USA v. EDUARDO GOMEZ-SOTO (2)
FIRST NAME MIDDLE NAME LAST NAME
DEFENDANT: X Present Not Present X Released Custody Writ

Deputy
Clerk: Maureen Gorski Crt Reporter: Erica Grund

U. S. Atty: Angela Woolridge Dft Atty: Rudy Valenzuela/Peter Keller
X pres x appt. ret'd

Intrptr: Carmen Noriega

=====

PROCEEDINGS: XX JURY TRIAL COURT TRIAL

XX Jury trial held 4th day
Case continued to for further jury trial.

MOTIONS: _____

XX Jury retired to deliberate at 1:50 P.M.

XX Jury RETURNS WITH VERDICT(s) at 4:10 p.m. Court finds

XX NOT GUILTY as to all counts in the Indictment as to both defendants

TAKEN UNDER ADVISEMENT

ORDER mistrial declared

Jury polled XX Jury not polled/waived

Continued for sentencing to: _____

ORDER defendant to remain released pending sentence / REMANDED to Marshal

XX Other: **IT IS ORDERED** that defendant Jose Gomez-Soto may be released from custody subject to any other holds. Personal items to be returned to the defendant Jose Gomez-Soto. Admitted exhibits returned to counsel.

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