

# **ATTACHMENT 1**

[REDACTED]

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From: Gillett, George T. Jr.  
Sent: Wednesday, December 16, 2010 11:47 PM  
To: Newell, William D.  
Cc: Needles, James R.  
Subject: Fw: U.S. Border Patrol Agent killed in the line of duty - Two firearms recovered by ATF

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BH -

FYI -

George T. Gillett  
ABAG - Phoenix Field Division  
Cell: [REDACTED]

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NOTICE: This electronic transmission is confidential and intended only for the person(s) to whom it is addressed. If you have received this transmission in error, please notify the sender by return e-mail and destroy this message in its entirety (including all attachments).

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From: [REDACTED]  
To: [REDACTED], Voth, David J., MacAllister, Hope A., English, Tonya A.,  
Col Gillett, George T. Jr., Needles, James R.  
Sent: Wed Dec 16 19:45:03 2010  
Subject: U.S. Border Patrol Agent killed in the line of duty - Two firearms recovered by ATF  
The two firearms recovered by ATF this afternoon near Rio Rico, Arizona, in conjunction with the shooting death of U.S. Border Patrol agent Terry were identified as 'Suspect Guns' in the Past and Furtious investigation [REDACTED]

The firearms are identified as follows:

Romarm/CUCUR, 762 rifle, Model GP WASR 10/68, serial number [REDACTED]  
Romarm/CUCUR, 762 rifle, Model GP WASR 10/68, serial number [REDACTED]

CS [REDACTED] contact me late this afternoon requesting Intel assistance in the tracing of two recovered firearms.

I initiated an urgent firearms trace requests on both of the firearms and then contacted the NTC to ensure the traces were conducted today.

I was advised by the NTC that the firearms were entered into ATF Suspect Gun database by SA [REDACTED] and associated to the Past and Furtious investigation. The NTC further advised that on 01/16/10 Jahna AVILA, purchased three Romarm 762 rifles from [REDACTED] two of these firearms are the recovered firearms cited above.

No trace has been submitted on the third firearm purchased by AVILA (serial number [REDACTED]). I am researching the trace status of the firearms recovered earlier today by the FBI.

Should you have any questions or need further assistance, please contact me.

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██████████ - Senior IRS  
Acting Intel Group Supervisor  
(602) ██████████ - Direct  
(602) ██████████ - Mobile  
(602) ██████████ - Fax

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**From:** Gillett, George T, Jr.  
**Sent:** Wednesday, December 15, 2010 11:24 AM  
**To:** All Phoenix Exchange  
**Subject:** U.S. Border Patrol Agent Killed in the line of duty

A U.S. Border Patrol agent, Brian A. Terry, 40, was shot and killed north of the Arizona-Mexico border while trying to catch bandits who target illegal immigrants. Terry, working as part of a BORTAC unit, was waiting with three other agents in a remote area north of Nogales, Ariz., late Tuesday night when a gunfight with the bandits began. No other agents were injured, but one of the suspects was wounded in the shootout. Terry was shot in the back and was pronounced dead at approximately 4:00 AM today.

The FBI is investigating the shooting. Four suspects are in custody and Law Enforcement Personnel are searching for a fifth.

ATF Tucson personnel are assisting with the follow-up investigation and will be assisting with a search of the area. A firearm in the custody of the FBI is currently being traced.

**George T. Gillett**  
Assistant Special Agent in Charge  
ATF - Phoenix Field Division  
Office: (602) ██████████

# **ATTACHMENT 2**

[REDACTED]

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**From:** Newell, William D.  
**Sent:** Wednesday, December 15, 2010 9:43 PM  
**To:** Voth, David J.; Needles, James R.; Gillett, George T. Jr.  
**Co:** [REDACTED]  
**Subject:** Re: Avila in custody

Great job.

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**From:** Voth, David J.  
**To:** Newell, William D.; Needles, James R.; Gillett, George T. Jr.  
**Co:** [REDACTED]  
**Sent:** Wed Dec 15 23:41:30 2010  
**Subject:** Avila in custody

We (ATF) have Jaime Avila in our custody. We are coordinating with the USAO to charge him in the morning via Complaint. We are holding him overnight in custody.

We are charging Avila with a standalone June 2010 firearms purchase where he used a bad (old) address on the 4473. [924(a)(1)(A) - False records required to be kept by dealer.] This way we do not divulge our current case (Fast & Furious) or the Border Patrol shooting case.

Thanks,

David Voth  
Group Supervisor  
Phoenix Group VII  
602-[REDACTED]

# **ATTACHMENT 3**

[REDACTED]

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From: Gillett, George T. Jr.  
Sent: Thursday, December 16, 2010 9:35 AM  
To: Gillett, George T. Jr.; Newell, William D.  
Subject: SIR

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DEPARTMENT OF JUSTICE - BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES SIGNIFICANT INFORMATION REPORT

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DATE: December 16, 2010  
FROM: Phoenix Field Division  
FIELD OFFICE: Phoenix VII Field Office

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CASE INFORMATION

CASE NUMBER: 785115-10-[REDACTED]  
CASE TITLE: CHAMBERS, Jacob, et al  
SPECIAL AGENT: Voth, David  
TELEPHONE NUMBER: (602) [REDACTED]

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SYNOPSIS OF INCIDENT/ACTIVITY:

Arrest of Jaime AVILA.

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NARRATIVE OF INCIDENT/ACTIVITY:

On January 16, 2010, Jaime AVILA purchased three (3) AK-47 variant rifles from a Phoenix area FFL. On December 15, 2010, after the shooting death of a U.S. Border Patrol agent in Southern Arizona law enforcement officers/agents conducted a search of the area. Two (2) of the AK-47 variant rifles purchased by AVILA on 01/16/2010 were recovered in the area during this search.

On December 15, 2010, ATF agents located AVILA and subsequently interviewed and arrested him on charges stemming from this January 16, 2010, firearm purchase. In summary AVILA admitted to ATF agents that he straw purchased these firearms for an unidentified Hispanic male.

AVILA was held overnight and ATF agents have prepared a criminal complaint for Jaime AVILA on firearm charges relating to the straw purchase of these three (3) AK-47 variant rifles on 01/16/2010 and are presenting it to a Federal Magistrate today (12/16/10.)

# **ATTACHMENT 4**



[REDACTED]

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**From:** Voth, David J.  
**Sent:** Thursday, December 16, 2010 10:11 AM  
**To:** Newell, William D.; Gillett, George T. Jr.  
**Subject:** change in charging

Gentlemen,

After speaking with Emory he saw the wisdom in not charging the AK-47 rifles in question so as to not complicate the FBI's investigation. As such we are back to our original plan to charge the June guns purchased by Jaime AVILA.

David Voth  
Group Supervisor  
Phoenix Group VII  
602-[REDACTED]

# **ATTACHMENT 5**

United States Attorney's Office  
District of Arizona



Memorandum

To: Dennis K. Burke  
From: Emory Hurley  
Subject: Jaime Avila, Jr.  
Date: January 28, 2011

The two AK-47 type rifles associated with the U.S. Border Patrol shooting, specifically two ROMARM WASR-10 7.62x39 mm rifles, Serial Numbers [REDACTED] and [REDACTED] were purchased by Jaime Avila, Jr., (AVILA) on Friday, January 16, 2010, along with a third ROMARM WASR-10 7.62x39 mm rifle, Serial Number [REDACTED]. The three rifles were purchased in a single transaction from Federal Firearms Licensee (FFL) [REDACTED]. ATF was not notified of this purchase until Monday, January 19, 2010, when ATF received the ATF Form 4473 documenting AVILA's purchase of three AK-47 type rifles on January 16, 2010. These were forwarded to ATF by the FFL and the purchase is documented in ATF ROI #67.

Jaime AVILA, Jr.'s first known firearms purchase occurred on November 24, 2009, at FFL [REDACTED]. On that day he was in the company of another Fast and Furious suspect, Uriol PATINO. On November 24, 2009, AVILA purchased five (5) FN Herstal Five-Seven pistols, and PATINO purchased five (5) AK-47 type rifles. On the ATF Form 4473, AVILA listed his address as [REDACTED]. At the time of the purchase, AVILA and PATINO were traveling in a 2000 Isuzu Rodeo registered to [REDACTED] Phoenix, Arizona, 85035. This is documented in ATF ROI # 12. As of this date, the five (5) FN pistols purchased by AVILA on November 24, 2009, have not been recovered.

On November 25, 2009, ATF entered AVILA in the ATF case management system as a suspect in the investigation. This event does not result in the creation of an ROI.

On December 12, 2009, AVILA purchased five (5) ROMARM WASR-10 AK-47 type rifles from FFL [REDACTED]. ATF was notified of this purchase on December 12, 2009 when agents received the ATF Form 4473 recording the purchase. This is documented in ATF ROI # 46. As of this date, these five AK-47 type rifles have not been recovered.

On December 17, 2009, this AUSA, ATF Group Supervisor David Voth, and ATF Special Agent Hope MacAllister met with [REDACTED]. [REDACTED] had been providing information to ATF on large firearms purchases, including large purchases of (only) long guns which do not trigger any multiple purchase reporting requirements. This information was being provided voluntarily and without compensation from ATF. [REDACTED] had expressed concerns about the cooperation he was providing and whether he was endangering himself or implicating himself in a criminal investigation.

[REDACTED] was advised by the agents and this AUSA that they could not tell [REDACTED] could or could not sell to and that they could not instruct [REDACTED] to make a sale in violation of the law or to refuse to make a lawful sale. [REDACTED] was advised by the agents that as an FFL he has to comply with all of the statutes and regulations that govern the sale and transfer of firearms and cannot sell firearms unless the required

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paperwork and background check were completed. As long as the required forms were properly filled out and the FFL did not know or have a reason to know that the firearms were part of a straw purchase or intended to be used in a crime, that he could complete the transfer. [REDACTED] was also told by the agents and this AUSA that the information he provided to ATF regarding large firearms transactions, particularly sales involving only long guns, was very important and useful to ongoing ATF investigations.

During this meeting, ATF agents also described additional information that [REDACTED] employees might receive from purchasers which would not necessarily be required by the provisions of Chapter 44 of Title 18 to be kept in his records, but which would prove useful to ATF. This information included phone numbers or other contact information as well as license plate numbers and vehicle descriptions. As of the date of this meeting, [REDACTED] was already providing this type of information to ATF and continued to do so throughout the course of the investigation.

On January 9, 2010, AVILA purchased three (3) FN Herstal Five-Seven pistols from FFL [REDACTED]. [REDACTED] ATF was not advised of this purchase by the FFL, however, on January 14, 2010, these firearms were entered into the suspect gun database by ATF Phoenix. These firearms were discovered by law enforcement on January 14, 2010, in Columbus, New Mexico, but were not traced and were returned to person carrying them. ATF Phoenix was not notified of this law enforcement contact until May 17, 2010. ATF ROI #254.

On January 14, 2010, in Columbus, New Mexico, (a border town), U.S. Border Patrol agents pulled over a vehicle driven by [REDACTED] with passenger [REDACTED] due to suspicious driving behavior. In the vehicle they found three AK-47 type rifles purchased by Uriel Patino, three FN Herstal Five-Seven pistols purchased by AVILA on January 9, 2010, from [REDACTED] and two Ruger pistols purchased by another. U.S. Border Patrol agents did not observe any other criminal conduct and so returned the firearms to the occupants of the vehicle. They did not trace any of the firearms. ATF Phoenix was notified of the observation of the firearms on May 17, 2010, after ATF Las Cruces forwarded information in connection with a firearms trafficking investigation in New Mexico involving Blas Gutierrez and others. The investigation of [REDACTED] is still on going, [REDACTED] and must be viewed as close-hold.

On January 16, 2010, AVILA purchased the three ROMARM WASR-10 AK-47 type rifles, Serial Numbers [REDACTED] and [REDACTED] as well as [REDACTED]. As detailed above, ATF was not notified of this purchase until January 19, 2010. This notification came only through the cooperation of the FFL as this long gun only purchase would not trigger any affirmative reporting requirements. ATF ROI #67.

On December 15, 2010, Jaime AVILA, Jr. was arrested for using a false address on the ATF Form 4473 on June 15, 2010. A complaint was filed on December 16, 2010, and he was indicted on January 11, 2011, for making false statements in connection with the acquisition of a firearm. On January 19, 2011, he was indicted as part of the overall Fast and Furious conspiracy.

Agents were able to determine that when AVILA purchased firearms on June 15, 2010, that he no longer lived at the [REDACTED] address listed on the ATF Form 4473 and his drivers license. His

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Memo to DKB  
January 28, 2011  
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drivers license was changed in August of 2010, to reflect a different address. In the course of his post arrest interview in December 2010, he admitted that he had not lived at the [REDACTED] address for two or three years. However, earlier in the investigation, agents had no reason to believe that this was not his address because his drivers license and the registration to the car that he was driving came back to the [REDACTED] address. See ATF ROI #12.

On March 1, 2010, Jaime AVILA, Jr., purchased one FN Herstal Five-Seven pistol from [REDACTED] in a single-firearm transaction. On or about March 3, 2010, this pistol was recovered by Phoenix Police in connection with a drug house in Phoenix. This was the first actual recovery of a firearm purchased by AVILA. ATF ROI #107 and 156.

HQGR ATF - 002639

# **ATTACHMENT 6**

DEPARTMENT OF JUSTICE  
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES  
NATIONAL TRACING CENTER



Phone:(800) [REDACTED] Fax:(800) [REDACTED]

Print Date [REDACTED]

**FIREARMS TRACE SUMMARY**

Trace Number: [REDACTED] Request Date: November 24, 2009 Completion Date: November 30, 2009

[REDACTED]  
OFFICE OF STRATEGIC INTEL.  
[REDACTED]  
WASHINGTON, DC 20226  
PHONE: (202) [REDACTED]  
FAX (202) [REDACTED]

Badge No:  
Investigation No: 164020-10-[REDACTED]

[REDACTED]  
INFORMATION CENTER COMBATTING  
[REDACTED]  
MEXICO CITY, DF 04640  
MEXICO

Badge No:  
Investigation No:

**FIREARM INFORMATION**

Manufacturer: ROMARM/CUGIR  
Model: DRACO  
Caliber: 762  
Serial Number: [REDACTED]  
Type: PISTOL  
Country: ROMANIA  
Importer: CENTURY ARMS INC (CAI),  
875...

Obliterated:  
Identifying Marks:  
NIBIN:  
Gang Name:

**RECOVERY INFORMATION**

Recovery Date: 11/20/2009  
Time to Crime: 14 days

ADRIANA DE NACO, SO  
MEXICO

Possessor: [REDACTED]  
DOB: [REDACTED]  
POB: DELAND, FL, UNITED STATES

**PURCHASER INFORMATION**

Purchase Date: 11/08/2009

URIEL NMN PATINO  
[REDACTED]  
PHOENIX, AZ 85037  
DOB: [REDACTED]  
POB: PHOENIX, AZ UNITED STATES  
Race: HISPANIC Height: ft in  
Sex: Male Weight: lbs  
ID 1: AZ DRIVER'S LICENSE: [REDACTED]  
ID 2: : REMOVED

**DEALER INFORMATION**

FFL: [REDACTED]

Phone: (623) [REDACTED] Ship-To-Date:  
Ext: [REDACTED]

Contact the local ATF office for additional information.

**ADMINISTRATIVE INFORMATION**

**SUMMARY OF RESULTS**

THE DESCRIBED FIREARM WAS DETERMINED TO HAVE BEEN SOLD AS PART OF A MULTIPLE HANDGUN SALE AND REPORTED TO ATF BY A FEDERAL FIREARMS LICENSEE (FFL). THE TRANSACTION DATE NOTED IN THIS TRACE SUMMARY IS THE DATE THE MULTIPLE SALE WAS GENERATED BY THE FFL AND MAY NOT REPRESENT THE ACTUAL TRANSACTION DATE OF THE TRACED FIREARM. TO VERIFY THE ACTUAL TRANSACTION DATE OF THE TRACED FIREARM, PLEASE CONTACT THE FFL.

The information in this report must be validated prior to use in any criminal proceedings.

Trace: [REDACTED]  
FOR OFFICIAL USE ONLY

DEPARTMENT OF JUSTICE  
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES  
NATIONAL TRACING CENTER



Phone:(800) [REDACTED] Fax:(800) [REDACTED]

Print Date: [REDACTED]

**FIREARMS TRACE SUMMARY**

Trace Number: [REDACTED] Request Date: November 24, 2009 Completion Date: November 30, 2009

[REDACTED]  
OFFICE OF STRATEGIC INTEL.  
[REDACTED]  
WASHINGTON, DC 20226  
PHONE: (202) [REDACTED]  
FAX (202) [REDACTED]

Badge No:  
Investigation No: 164020-10-[REDACTED]

[REDACTED]  
INFORMATION CENTER COMBATTING  
[REDACTED]  
MEXICO CITY, DF 04640  
MEXICO

Badge No:  
Investigation No:

**FIREARM INFORMATION**

Manufacturer: ROMARM/CUGIR  
Model: DRACO  
Caliber: 762  
Serial Number: [REDACTED]  
Type: PISTOL  
Country: ROMANIA  
Importer: CENTURY ARMS INC (CAI),  
ST

Obliterated:  
Identifying Mark:  
[REDACTED]  
Gaug Name:

**RECOVERY INFORMATION**

Recovery Date: 11/20/2009  
Time to Crime: 14 days

ADRIANA DE NACO, SO  
MEXICO

Possessor: [REDACTED]  
DOB: [REDACTED]  
POB: DELAND, FL UNITED STATES

**PURCHASER INFORMATION**

Purchase Date: 11/09/2009

URIEL PATINO  
[REDACTED]  
PHOENIX, AZ 85037

DOB: [REDACTED]  
POB: PHOENIX, AZ UNITED STATES  
Race: HISPANIC Height: ft in  
Sex: Male Weight: lbs  
ID 1: AZ DRIVER'S LICENSE: [REDACTED]  
ID 2: : REMOVED

**DEALER INFORMATION**

FFL: [REDACTED]

Phone: (623) [REDACTED] Ship-To-Date:  
Ext: [REDACTED]

Contact the local ATF office for additional information.

**ADMINISTRATIVE INFORMATION**

**SUMMARY OF RESULTS**

THE DESCRIBED FIREARM WAS DETERMINED TO HAVE BEEN SOLD AS PART OF A MULTIPLE HANDGUN SALE AND REPORTED TO ATF BY A FEDERAL FIREARMS LICENSEE (FFL). THE TRANSACTION DATE NOTED IN THIS TRACE SUMMARY IS THE DATE THE MULTIPLE SALE WAS GENERATED BY THE FFL AND MAY NOT REPRESENT THE ACTUAL TRANSACTION DATE OF THE TRACED FIREARM. TO VERIFY THE ACTUAL TRANSACTION DATE OF THE TRACED FIREARM, PLEASE CONTACT THE FFL.

The information in this report must be validated prior to use in any criminal proceedings.