

STATE OF FLORIDA

COUNTY OF ORANGE

Case No. 6:10-mj- 1036
1037

MASTER AFFIDAVIT REGARDING 7002 ALVINA WAY

I, Christopher W. Temple, being duly sworn, depose and state that:

Background

1. I am a Special Agent (S/A) with the Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF), United States Department of Justice, and have been so employed since September 2008. I am a graduate of the Federal Law Enforcement Training Center, Criminal Investigation Training Program, and the ATF National Academy, Special Agent Basic Training. I am currently assigned to the Orlando Field Office. I am charged with the investigation and enforcement of violations of federal firearms laws, arson and explosives laws and any other violations encountered in the course of my duties. Based on my training and experience as a S/A, I am familiar with violations of Federal criminal laws. The information contained in this affidavit is based upon my personal observations, investigation or information relayed to me by other Federal, state and local law enforcement officers, as well as information obtained from a cooperating defendant, a paid confidential informant, and a cooperating target of this investigation. The information provided in this affidavit is not each and every fact known to me, but rather, sufficient information to establish probable cause.
2. In July 2009, I opened an investigation into the alleged criminal activity of the Cooperating Target of this investigation ("CT-1") (this person was not cooperating at the outset of the investigation but is now cooperating with law enforcement), believed to be involved in the unlicensed business of dealing in firearms. My investigation of CT-1 regarding federal firearms violations has revealed that CT-1 knowingly sold firearms to the following individuals, whom CT-1 has identified through photographs: Manuel Dejesus CARRASCO-Ruiz H/M, DOB [REDACTED]/1969, from Honduras, as the individual known to CT-1 as "Manuel;"

Carlos Humberto GUILLEN-Rivera, H/M, DOB [REDACTED]/1980, from Honduras, as the individual known to CT-1 as "Carlos;" Cesar Augusto GUILLEN-Rivera, H/M, DOB [REDACTED]/1978, from Honduras, as the individual known to CT-1 as "Cesar," a.k.a. "Cecil;" Hector SAENZ, H/M, DOB [REDACTED]/1972, from Honduras, as the individual known to CT-1 as "Hector;" and "Javier" and "Mancho" who have yet to be identified by true name. CT-1 sold firearms to the above-listed individuals prior to working with law enforcement. CT-1 sold these individuals firearms that were not listed in the National Firearms Registration & Transfer Record. CT-1 suspected these individuals to be illegal aliens (due to the fact that they were from Honduras) and was aware of the fact that they were planning to export the firearms from the United States to Honduras. Several of these individuals have been determined to be aliens illegally or unlawfully in the United States. It has been determined that CT-1 then conspired to engage in international firearms trafficking with the above listed individuals. Therefore, these individuals have conspired to and committed violations of the following federal statutes:

18 U.S.C. § 922 (g)(5)(A): It shall be unlawful for any person who, being an alien illegally or unlawfully in the United States, to ship, transport, in interstate or foreign commerce, or possess in or affecting commerce, any firearms or ammunition.

26 U.S.C. § 5861(d): It shall be unlawful for any person to receive or possess a firearm which is not registered to that person in the National Firearms Registration & Transfer Record.

18 U.S.C. § 554(a): It shall be unlawful for any person to fraudulently or knowingly export or send from the United States, or attempt to export or send from the United States, any merchandise, article, or object contrary to any law or regulation of the United States.

18 U.S.C. § 371: It shall be unlawful for any two or more persons to conspire either to commit any offense against the United States, or to defraud the United States, or any

agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy.

This affidavit is made in support of a criminal complaint and arrest warrants for MANUEL DEJESUS CARRASCO-RUIZ, CARLOS HUMBERTO GUILLEN-RIVERA, CESAR AUGUSTO GUILLEN-RIVERA, FNU LNU a/k/a "JAVIER," and HECTOR SAENZ for violations of the above-listed federal statutes, and is made in support of a search warrant at 7002 Alvina Way, Orlando, Orange County, Florida ("7002 Alvina Way").

Multiple Sale Reports

3. Based on my training and experience, I am aware that when an individual purchases more than one handgun in a five-day period from a federally licensed firearms dealer ("FFL"), the dealer is required to submit to ATF a "multiple sales report." This report lists the purchaser's identifying information, as well as the make, model and serial number of the handguns that were purchased. It should be noted that FFLs are not required to submit any paperwork as it relates to the multiple sale of rifles. A query of ATF's National Tracing Center Multiple Sale Database revealed that CT-1 has been involved in 62 multiple sale transactions in the 2009 calendar year alone. The reports show that CT-1 has purchased 529 handguns in the multiple sales, many of which are identical in make and model. In my training and experience, the repeated purchase of the same type of handgun is not consistent with a collector, because collectors do not ordinarily have numerous copies of the exact same type of firearm.
4. The majority of the firearms purchased by CT-1 were either Glock or FN Five-SeveN handguns. The multiple sales reports show that CT-1 has purchased at least 95 FN Five-SeveN handguns from January 1, 2009, to the present. This type of handgun fires a round of ammunition that is capable of penetrating law enforcement body armor. This handgun is the weapon of choice for drug cartels working in Central and South America, Mexico, and Puerto Rico.

5. Since January 1, 2010, CT-1 has purchased another 48 firearms in three separate multiple sales. The majority of CT-1's multiple sale purchases (2009-present) have been through the FFL Beachside Arms (FFL# 15908888), 1363 Cypress Avenue, Melbourne, Brevard County, Florida ("Beachside Arms"), within the Middle District of Florida.

Trace Reports

6. A check by the ATF National Tracing Center of the serial numbers of firearms purchased by CT-1 to date has revealed that at least three of his firearms have been directly linked to crimes in Puerto Rico. One of the firearms traced to Puerto Rico had a "time to crime" (meaning the time from the date of purchase until the date of its recovery by law enforcement) of only nine days. This is indicative of CT-1 buying firearms and immediately re-selling them. The other two firearms had a "time to crime" of 52 days and 318 days, respectively. Based on this investigation, it is believed that the reason for there not being more firearms traced is because a large majority of the firearms are being illegally exported to Central and South America. With the exception of Mexico, these countries do not provide information related to firearms recovered in crimes to the United States.
7. On November 18, 2009, I interviewed a cooperating defendant (CD-1) with his attorney in Miami, Florida. CD-1 is a convicted felon and a former business associate of CT-1 who currently is facing federal charges for illegal possession of a firearm, in violation of 18 U.S.C. § 922(g)(1). CD-1 has three prior state felony convictions for drug possession and theft/dealing in stolen property in 1997. CD-1 met with law enforcement to discuss CT-1 as part of a "substantial assistance" agreement with the United States. CD-1 hopes to receive a reduced sentence as a result of his cooperation against CT-1.
8. In his proffer of information, CD-1 stated that he had given CT-1 \$10,000 to purchase firearms in February 2009. CD-1 and CT-1 had then worked together selling the firearms that CT-1 had purchased with the money for a profit. CD-1 stated he had a working relationship with CT-1 from February 2009 to May 2009, and that they had bought and sold guns together on almost a weekly basis. CD-1 stated that CT-1 was aware of the fact that

CD-1 was a convicted felon during their partnership. CD-1 stated that CD-1 and CT-1 attended multiple gun shows throughout Florida, including shows in Orlando, Tampa and Miami. CD-1 stated that while in Miami for one of the gun shows, he had accompanied CT-1 when CT-1 had met with a Hispanic male to discuss the sale of CT-1's Ruger Mini-14 rifles. These rifles were configured as .223 caliber (5.56 NATO caliber). CD-1 did not know whether CT-1 eventually sold the rifles to the Hispanic male, only that they had met to arrange a transaction. CT-1 had told CD-1, however, that he had regular customers in Miami who were Hispanic males that wanted to purchase this particular type of rifle and Glock handguns.

UNDERCOVER OPERATION

9. On December 2, 2009, an ATF undercover agent (UC-1) and an ATF Confidential Informant (CI-1) met with CT-1 at his residence in Palm Bay, Brevard County, Florida, which is located in the Middle District of Florida. The meeting previously had been arranged via a recorded phone call between CT-1 and the ATF UC-1. In CT-1's garage, ATF UC-1 observed numerous firearms including an FN PS-90 assault rifle, two Ruger Mini-14 rifles, a Desert Eagle handgun, an AR-15 pistol, approximately six long guns (rifles/shotguns) in a gun cabinet, and a briefcase holding four assorted handguns. ATF UC-1 also observed a large storage bin containing numerous Glock handgun boxes that appeared to be new. During the meeting, CT-1 stated to ATF UC-1 that he sells firearms "legally" to a guy in the United States, but that he knows that the firearms are going to Honduras. ATF UC-1 observed paperwork in the garage with writing on it believed to be ledgers.

SURVEILLANCE

10. On January 11, 2010, CT-1 was observed by ATF S/As as he left his residence in his gold Suburban and traveled to the drive-through at Riverside Bank, 1159 Malabar Road, Palm Bay, Florida. CT-1 then left the bank and drove to Beachside Arms. CT-1 went inside Beachside Arms and later left carrying two gun boxes. CT-1 put the gun boxes inside his vehicle and then drove back to his residence. A multiple sales report submitted to ATF by

Beachside Arms subsequently confirmed that CT-1 had purchased a total of 15 FN Five-SeveN handguns from Beachside Arms on that date.

11. On January 12, 2010, ATF S/As observed CT-1 as he left his residence in the gold Suburban and traveled to a United States Post Office located at 10401 Post Office Boulevard, Orlando, Florida. CT-1 drove 78 miles to this post office from his residence despite numerous other postal locations near his residence. Once there, CT-1 mailed a letter sized item to "Metal X Works" (a FFL), 64390 Cooks Run Road, Cambridge, Ohio. CT-1 then left the post office and traveled to Beachside Arms. CT-1 was observed loading seven handgun boxes into the rear of his Gold Chevy Suburban.
12. On January 13, 2010, CT-1 left his residence in the gold Suburban and drove again to Beachside Arms. CT-1 went inside and came back out with the owner of Beachside Arms, Frederick Barrie ("Barrie"). Barrie was carrying a large cardboard box which Barrie had to rest on his shoulder for support. Barrie loaded this box into the rear of CT-1's vehicle and CT-1 left Beachside Arms. CT-1 drove to Tactical Weapons Solutions, 2578 Clark Street, Suite 2, Apopka, Orange County, Florida ("Tactical Weapons Solutions"). CT-1 backed his vehicle into a bay door and unloaded the cardboard box. After approximately an hour, CT-1 loaded the cardboard box back into his vehicle and drove to his residence.
13. On January 14, 2010, CT-1 was surveilled by ATF S/As as he left his residence in the gold Chevy Suburban and traveled to Orlando. CT-1 was observed stopping at the residence located at 7002 Alvina Way. CT-1 was observed at this residence for approximately 15 minutes. CT-1 then traveled to the United States Post Office located at the Orlando Airport off of Tradeport Drive, Orlando, Orange County, Florida. Afterward, CT-1 returned to his residence in Palm Bay, Florida.
14. On the morning of January 18, 2010, ATF S/As conducted surveillance of CT-1 from his residence to a Winn Dixie parking lot located at 2675 S. Military Trail, West Palm Beach, Florida. CT-1 met with a Hispanic male later identified as Antonio VARELA. ATF S/As observed CT-1 transfer firearms to VARELA who placed the firearms into a blue Dodge

Durango, Florida License Plate 907 MZZ. ATF S/As surveilled the Dodge Durango for several hours. Agents eventually seized 21 firearms, including 9 short barrel rifles, from the blue Dodge Durango. On January 19, 2010, CT-1 contacted ATF S/As (believing they were local police officers) claiming ownership of the firearms and indicated that he was aware of the fact that VARELA was an illegal immigrant.

15. On the afternoon of January 18, 2010, S/As conducted surveillance of CT-1 as he traveled from West Palm Beach area to Orlando, Florida. CT-1 was followed until he arrived at 7002 Alvina Way. CT-1 parked the vehicle inside a wooden fence area. CT-1 was at the residence for approximately 40 minutes. CT-1 left the residence and then traveled to Tactical Weapons Solutions. After approximately 30 minutes, CT-1 left Tactical Weapons Solutions and traveled to the residence of Jeffrey Kaiser, who is the owner of Kaiser Custom Firearms located at 3804 N. Orange Blossom Trail #4, Orlando, Orange County, Florida (FFL#1-59-095-07-3A-10625). CT-1 left the residence after approximately 20 minutes. CT-1 then traveled to the United States Post Office located at 10401 Post Office Blvd., Orlando, Orange County, Florida, and then returned to his Palm Bay residence.
16. On January 19, 2010, ATF S/As conducted a surveillance of CT-1 and followed him to Beachside Arms. On January 21, 2010, the ATF Orlando Field Office received the Multiple Sales Reports from January 19, 2010, which depicted the acquisition of a number of firearms by CT-1 from Beachside Arms which coincides with the above described surveillance. CT-1 purchased/acquired 17 handguns during his visit to Beachside Arms.
17. On January 21, 2010, ATF S/As conducted surveillance of CT-1. During the surveillance, CT-1 was followed from his Palm Bay residence to the residence located at 7002 Alvina Way. CT-1 pulled his vehicle through a wooden privacy fence and into a secluded area on the listed property. CT-1 remained at the residence for approximately 20 minutes, then traveled to Tactical Weapons Solutions and then returned home to Palm Bay.
18. On January 22, 2010, ATF S/As surveilled CT-1 from his residence in Palm Bay to Beachside Arms. From Beachside Arms, CT-1 traveled to 7002 Alvina Way. CT-1 pulled

his vehicle through a wooden privacy fence and into a secluded area on the listed property. CT-1 remained at the residence for approximately 20 minutes and then traveled to Tactical Weapons Solutions. CT-1 remained at Tactical Weapons Solutions for approximately 30 minutes then returned to his residence in Palm Bay.

19. On January 23, 2010, ATF S/As conducted surveillance of CT-1. During the surveillance, CT-1 was followed from his residence to the residence located at 7002 Alvina Way. CT-1 pulled his vehicle through a wooden privacy fence and into a secluded area on the listed property. CT-1 remained at the residence for approximately 20 minutes, then traveled to the Palm Bay area and then to his Palm Bay residence.

INTERVIEW OF CT-1

20. On January 26, 2010, ATF S/A Kevin McCann, along with ATF S/A David Robison, made contact with CT-1 via a coordinated traffic stop conducted by an Orange County Sheriff's Office ("OCSO") marked unit in the area of Goldenrod Road and Lee Vista Road, Orlando, Orange County, Florida. Prior to the stop, CT-1 was followed from his residence along his normal course of travel toward 7002 Alvina Way. CT-1's vehicle was stopped and he was approached. CT-1 was advised that he was not under arrest and asked to accompany ATF S/As to another location to discuss potential firearms violations. CT-1 agreed and was transported to the ATF Orlando III Field Office. While en route to the office, S/A McCann, witnessed by S/A Robison, informed CT-1 again that he was not under arrest. Furthermore, S/A McCann informed CT-1 that personnel of the ATF were interested in speaking with CT-1 concerning suspicious firearms related activity. S/As and CT-1 engaged in general conversation during the drive to ATF Orlando III Field Office, and CT-1 was advised several times during the drive over and once at the ATF Orlando III Field Office that he was not under arrest.
21. Upon arriving at the ATF Orlando III Field Office, S/A McCann, witnessed by S/A Robison, advised CT-1 of his Miranda rights. Prior to providing CT-1 with the Miranda warning, S/A McCann, once again explained to CT-1 that he was not under arrest. After being advised of

the right to remain silent and the right to counsel, CT-1 acknowledged that he understood his rights. CT-1 freely and voluntarily agreed to answer questions and make a statement. CT-1 advised S/A McCann and S/A Robison that he was willing to provide information about CT-1's illegal firearms trafficking activity, including information as it relates to customers to whom CT-1 has sold firearms. CT-1 stated he did not have a federal firearms license and had been selling firearms without a license for profit. CT-1 stated that, since mid-2007, he has been selling firearms to individuals identified by CT-1 as Hispanic males (H/M) known to be from Honduras, among others. CT-1 claimed to have regular customers that purchased firearms from CT-1 throughout Florida. Specifically, CT-1 identified individuals residing at 7002 Alvina Way as regular recipients of firearms sold by CT-1, since at least September 2009. Financial records, detailed below, show money transfers relating to 7002 Alvina Way from as early as August 2009.

22. According to CT-1, since September 2009, CT-1 has sold approximately three hundred (300) firearms, including "short barrel rifles" (SBRs), to individuals identified by CT-1 as "Manuel;" "Javier;" "Carlos;" and "Cesar" a.k.a. "Cecil;" known to reside at 7002 Alvina Way. Additionally, CT-1 identified an individual known as "Hector," as an associate of the previously listed individuals, who is known to frequent the 7002 Alvina Way and who purchased the same type of firearms from CT-1. (Particularly, CT-1 has since described that "Hector," "Cesar" a.k.a "Cecil," and "Javier" purchased approximately forty firearms, including SBRs, FN model Five-SeveN pistols, Glocks, and Beretta firearms, from CT-1 on at least six occasions both at 7002 Alvina Way and CT-1's Palm Bay residence. CT-1 has also since detailed that he sold SBRs to "Manuel," "Carlos," "Cesar," "Javier," and "Hector.") Within the last month or so, CT-1 stated that another individual known only as "Mancho" has been at the 7002 Alvina Way residence during CT-1's visits. CT-1 stated that "Mancho" has purchased a "hand full" of firearms from CT-1. CT-1 stated that all six (6) listed individuals have purchased the approximate three hundred (300) firearms noted during the listed time frame. CT-1 stated that "Hector" is believed to reside at an unknown location in Kissimmee, Osceola County, Florida. CT-1 stated that the purchases of firearms routinely took place at 7002 Alvina Way, and on occasion at CT-1's residence in Palm Bay, Florida. As it relates to a routine firearms transaction, CT-1 explained that upon arrival at the 7002

Alvina Way residence, a privacy fence surrounding the backyard of the residence is opened and immediately closed after CT-1 pulls his vehicle thru the gate. Once inside the gate, CT-1 and the recipients of the firearms are free to conduct business out of the view of the public. CT-1 stated that on average over the listed time frame, CT-1 delivered multiple firearms to 7002 Alvina Way, in this manner, several times a week.

23. CT-1 stated that the individuals from 7002 Alvina Way previously advised CT-1 that they were all from Olancho, Honduras. According to a U.S. government website, "Olancho is one of the most violent areas in Honduras." CT-1 stated that information provided by the individuals at 7002 Alvina Way to CT-1 indicated that firearms obtained from CT-1 were sent to Honduras in "packets." Through information received during conversation with the listed individuals, CT-1 believes that firearms, wrapped in aluminum foil, are secreted in containers of various "parts" to be shipped to Honduras. CT-1 stated that on one occasion, "Manuel" asked CT-1 to mail a package via FedEx to Honduras for "Manuel," which CT-1 agreed to do. CT-1 stated that "Manuel" informed CT-1 that the package contained "car parts." The total cost to ship the package express to Honduras was \$345.00. CT-1 stated that on several occasions, CT-1 has received payment for firearms delivered to the individuals at 7002 Alvina Way through Money Grams from Wal-Mart. According to CT-1 the Money Grams were all sent to CT-1 from various individuals in Olancho, Honduras. Additional information detailing wire transfers from Honduras is stated below in the Financial Investigation section of this affidavit.

24. CT-1 stated at the time that ATF made contact with him on Goldenrod Road, CT-1 was in route to the residence located at 7002 Alvina Way to meet with "Manuel," "Javier," "Carlos" and "Cesar." CT-1 stated that "Manuel," "Javier," "Carlos" and "Cesar" were expecting CT-1 to arrive at the listed residence with firearms previously ordered. Additionally, CT-1 was expecting to receive money from the listed individuals for firearms previously delivered. CT-1 signed ATF F 3220.11, Consent to Search, for CT-1'S 2001 Chevrolet Suburban, which CT-1 was driving at the time ATF made contact. Pursuant to the consent search, the following firearms were seized from CT-1's vehicle: a Glock, model 34, 9mm pistol; two Glock, model 17, 9mm pistols; two Tactical Machine, AR-15 rifles (military type assault

rifle), with a barrel length less than sixteen inches, otherwise known as SBRs; a Ruger, model 10/22, .22-caliber rifle. Additionally, eight (8) boxes of 9mm ammunition were seized from the vehicle. CT-1 stated that the intended recipient for the listed firearms were the individuals at 7002 Alvina Way. Specifically related to the items seized from CT-1's vehicle, CT-1 provided information on which firearms were destined for the several targets of this investigation. CT-1 stated that the Glock, model 34, was previously sold to "Cesar" and returned to CT-1 for repair. CT-1 stated that he was returning the Glock to "Cesar." CT-1 stated the two (2) Glock, model 17 pistols were "on order" by "Javier." CT-1 stated the two (2) AR-15 rifles were available for sale. CT-1 stated the Ruger, model 10/22 rifle, was previously ordered by "Ramon," who was introduced as an uncle of "Manuel." CT-1 stated the 9mm ammunition was on order by "Cesar." CT-1 stated that he obtained Tactical Machine AR-15 pistols from Tactical Weapons Solutions and converted them into SBR's.

25. CT-1 provided additional information as it relates to "Javier" and "Cesar." CT-1 stated that "Javier" owes CT-1 \$4,100.00 for two (2) firearms previously delivered by CT-1 to "Javier" at 7002 Alvina Way. CT-1 explained that "Javier" took possession of an H&K, model SL8, .223-caliber rifle, and an AR-15 type rifle, with a flare launcher, without payment. CT-1 stated that "Cesar" owes CT-1 \$13,900.00 for firearms previously delivered by CT-1 to 7002 Alvina Way. CT-1 stated that "Manuel" has an "open order," meaning as many and as often as CT-1 can provide the firearms, with CT-1 for the following firearms: FN model Five-SeveN, 5.7-caliber pistols, sold by CT-1 for \$1,200.00 each, and AR-15 SBRs, sold by CT-1 for \$1,200.00, along with a variety of other firearms. CT-1 stated that "Cesar" has regularly obtained from CT-1, FN model Five-SeveN, 5.7-caliber pistols and AR-15 SBRs, especially when the SBRs are "chromed." CT-1 stated that "Cesar" has obtained a total of eight (8), "chromed" AR-15 SBRs, six (6) within last month. CT-1 stated that "Cesar" has paid for a total of twelve (12) "chromed" AR-15 SBRs, and CT-1 still "owes" "Cesar" the remaining four (4) SBRs. CT-1 stated that "Javier" has "an order" with CT-1 the following firearms: fifteen (15) Glock, model 17, 9mm pistols, in olive drab (OD); and fifteen (15) Glock, model 21, 9mm pistols, in OD. CT-1 stated that within a two day period over the last week, CT-1 sold "Javier" five (5) Glock, model 34, 9mm pistols. CT-1 estimated that in total, CT-1 has sold approximately fifty (50) firearms to "Manuel," "Javier," "Carlos" and "Cesar" over the

last couple of weeks since the last "packet" was sent to Honduras. CT-1 stated that he was previously advised by the individuals at 7002 Alvina Way that the next "packet" was to be shipped to Honduras the following day, meaning January 27, 2010.

26. On January 26, 2010, while CT-1 was being interviewed, personnel from ATF Orlando executed a federal search warrant issued by the United States District Court, Middle District of Florida, at CT-1's residence, located in Palm Bay, Florida. This warrant and related documents has been placed under seal for the safety of CT-1 and other related investigative reasons. Pursuant to the execution of the search warrant, agents seized numerous firearms, including the aforementioned FN Five-SeveN pistols, AR-15 SBRs and Glock pistols. Additionally, miscellaneous documents, including ledgers and journals related to firearms obtained and firearms sold, were seized from the residence. In those documents, ATF S/As discovered the handwritten names of the above-listed individuals, including the types of firearm described.
27. Since January 26, 2010, CT-1 has been presented with numerous photographs of individuals believed to be associated with this investigation. As a result, CT-1 has identified the following individuals from 7002 Alvina Way from photographs as regular recipients of firearms, including SBRs: Manuel Dejesus CARRASCO-Ruiz, H/M, DOB [REDACTED]/1969, from Honduras, as the individual known to CT-1 as "Manuel;" Carlos Humberto GUILLEN-Rivera, H/M, DOB [REDACTED]/1980, from Honduras, as the individual known to CT-1 as "Carlos;" Cesar Augusto GUILLEN-Rivera, H/M, DOB [REDACTED]/1978, from Honduras, as the individual known to CT-1 as "Cesar," a.k.a. "Cecil;" Hector SAENZ, H/M, DOB [REDACTED]/1972, from Honduras, as the individual known to CT-1 as "Hector;" "Javier" and "Mancho" have yet to be identified by true name.

SEIZURE OF FIREARMS FROM CARGO HONDURAS

28. On January 27, 2010, at approximately 12:30 p.m., ATF personnel, along with agents from the OCSO Gang Unit, began surveillance in the area of the residence located at 7002 Alvina Way. The surveillance was established based on information obtained from CT-1, which

indicated that a "packet" containing firearms may be transported from the residence to a parcel shipment location. Upon arriving in the area, surveillance agents identified five (5) vehicles parked at the aforementioned address. Those vehicles were as follows: a white Chevrolet mini-van, a white Chevrolet pickup truck, a red Toyota Tacoma pickup truck, a green Ford Explorer, and a large white truck parked in the back yard. At approximately 1:12 p.m., surveillance agents observed the red Toyota Tacoma pickup truck depart from the direction of 7002 Alvina Way. The vehicle was followed for a short distance, at which time the Florida License Plate G73 9XH was verified to be displayed on the vehicle. A query of the license plate revealed that the Toyota is registered to Carlos GUILLEN-Rivera, with an address of 825 Dorado Avenue, Orlando, Florida. At approximately 1:17 p.m., surveillance agents observed the white Chevrolet mini-van depart from the direction of 7002 Alvina Way. The mini-van was followed and the Florida license plate J08 5ZJ was verified to be displayed on the vehicle. A query of the license plate revealed that the mini-van was also registered to Carlos GUILLEN-Rivera.

29. At approximately 1:55 p.m., the mini-van returned to the residence. A short time later, the Toyota Tacoma returned to the residence. Within minutes, the Toyota Tacoma departed from the residence. At this time, the surveillance agents observed an extremely large cardboard box with black handwriting on the side and plastic wrap around the top in the bed area of the truck. Surveillance agents followed the truck away from the residence to the ultimate destination of the Encomiendas Latinas parcel shipping store (a subsidiary of Cargo Honduras), located at 511 N. Semoran Boulevard, Orlando, Orange County, Florida. The driver of the Toyota backed the truck up to the front door of the shipping store. Surveillance agents observed two (2) Hispanic males (H/Ms) remove the extremely large cardboard box from the truck and take it inside of the shipping store. While the truck and its occupants were at the shipping store, a surveillance agent, acting in undercover capacity, entered the shipping store and observed the occupants of the truck along with the box. Personnel from the OCSO Parcel Unit were contacted and responded to the area of the store. A short time later, the two H/Ms were observed leaving the store without the box and departing from the area in the Toyota. At this time, OCSO Parcel Unit personnel entered the shipping store to conduct an inspection. The box was identified as one of three inside the location. The parcel

personnel were able to document information related to the shipping label on the box. The following information was relayed to the surveillance agents: the listed destination on the label read, Juticalpa, Olancho, Honduras; the sender of the box was listed as Edgar Ruiz and the recipient of the box was listed as Hector Hernandez.

30. On January 29, 2010, U.S. Immigration & Customs Enforcement (ICE) Resident Agent-in-Charge (RAC) Felix Manguel and ICE S/A Jackie Acosta, along with ATF S/A John Scanlon, inspected and seized the aforementioned large cardboard box, which contained numerous firearms and miscellaneous personal items destined for Honduras. The firearms were similar in make and model as those previously identified by CT-1 as firearms sought by and sold to the individuals at 7002 Alvina Way. The seizure took place at 511 N. Semoran Boulevard, Orlando, Orange County, Florida, within the Middle District of Florida. The package was further described by the following dimensions: 24"x24"x36" and weighing roughly 215 pounds as noted on the shipping label; confirming the package as the same box observed/described above, the return address (sender) was listed as Edgar Ruiz and the recipient was listed as Hector Hernandez, Juticalpa, Olancho, Honduras. After removing some personal items from the top of the box, numerous firearms were discovered. The box and all its contents were transported to the ICE Orlando office. Upon arriving at the ICE office, ATF S/A Scanlon, RAC Manguel, S/A Acosta and ICE S/A Timothy Nelson conducted a complete inventory of the contents of this box. After sorting through the numerous personal items (clothing, cookware, holiday decorations, etc.), the following twenty-six (26) firearms, all wrapped in aluminum foil, were discovered: thirteen (13) Glock pistols in various calibers (9mm, .357 and .45); five (5) FN, model Five-SeveN pistols, and eight (8) AR-15 SBRs (Del-Ton, Bushmaster, Tactical Machining). All of the pistols were in their respective gun boxes, including ammunition magazines. Also discovered, were sixteen (16) ammunition magazines for the aforementioned rifles, roughly four hundred sixty (460) rounds of .357-caliber ammunition, and five (5) rifle bags.

UNDERCOVER TELEPHONE CALLS

31. At the request of ATF S/A Kevin McCann, CT-1 agreed to place consensually monitored and recorded "undercover" telephone calls to the individuals associated with 7002 Alvina Way. CT-1 detailed that he previously observed these individuals with cellular telephones and believed the numbers used to call each individual was a cellular telephone. Toll records obtained confirm that the numbers detailed below were assigned to cellular telephones. On January 26, 2010, at approximately 7:05 p.m., under the direction of ATF S/A Kevin McCann, CT-1 placed a consensually monitored and recorded telephone call to "Javier." CT-1 called "Javier" on cellular telephone number (407) 453-8971. "Javier" answered the telephone and indicated that "Cesar" was also present. During the telephone call, which was recorded, "Javier" inquired of CT-1's status. CT-1 explained to "Javier" that CT-1 had vehicle problems and that CT-1 would not be able to meet with, or deliver firearms, to "Javier" on the same day as previously arranged. CT-1 and "Javier" agreed to have further conversation at a later date. CT-1 asked "Javier" to let the others know of CT-1's unavailability.
32. On January 26, 2010, at approximately 9:35 p.m., CT-1 received an incoming telephone call from Manuel CARRASCO-Ruiz. CARRASCO-Ruiz called from the following telephone number: (407) 299-8093, previously provided to CT-1. During the conversation, CT-1 advised CARRASCO-Ruiz that CT-1 was unavailable to meet with CARRASCO-Ruiz. Additionally, CARRASCO-Ruiz inquired about a pending firearms delivery and specifically about a rifle for his uncle, "Ramon." A short time later, the call was concluded with both parties agreeing to speak at a later date.
33. On January 28, 2010, at approximately 12:05 p.m., under the direction of ATF S/A Kevin McCann, CT-1 placed a consensually monitored and recorded telephone call to (321) 299-8093, a number previously provided to CT-1 by Manuel CARRASCO-Ruiz. CARRASCO-Ruiz answered the phone. CT-1 once again told CARRASCO-Ruiz that he had problems with his vehicle while in route to a planned meeting on January 26, 2010. Therefore, CT-1 explained that he was not able to make it to the 7002 Alvina Way residence to deliver

firearms as planned. CT-1 asked CARRASCO-Ruiz, "What can we do about getting you some more guns?" CARRASCO-Ruiz indicated that he did want firearms, by saying, "yes, let me call the officer and I will call you back, it may be too late," interpreted by CT-1 to mean that the "packet" may have already been shipped. CT-1 asked CARRASCO-Ruiz, "Can you get me some money to get you some more?" CARRASCO-Ruiz stated, "Let me see how much, I don't know how much came in today and Wednesday." CT-1 ended the call by advising CARRASCO-Ruiz that CT-1 was going to call "Cecil," meaning Cesar GUILLEN-Rivera.

34. On January 28, 2010, at approximately 12:10 p.m., CT-1 received an incoming telephone call from Carlos GUILLEN-Rivera from the following telephone number: (407) 453-8971. The phone call was consensually monitored and recorded by ATF S/A Kevin McCann and ATF S/A David Robison. Carlos GUILLEN-Rivera asked CT-1 what happened, referring to CT-1 not showing up at a previously arranged meeting. CT-1 explained to Carlos GUILLEN-Rivera that he had vehicle trouble and that was why CT-1 did not make it to meet Carlos GUILLEN-Rivera on January 26, 2010. CT-1 stated to Carlos GUILLEN-Rivera, "I need some money to get the guns you want." Carlos GUILLEN-Rivera responded, "Where's the stuff, still inside?," referring to the firearms that CT-1 previously advised "Javier" were stuck inside of CT-1's broken down vehicle. Carlos GUILLEN-Rivera then asked CT-1 if CT-1 had the "5.7's," meaning FN Five-SeveN pistols. CT-1 asked Carlos GUILLEN-Rivera if he would have the money in the morning, to which Carlos GUILLEN-Rivera responded, "yes." Carlos GUILLEN-Rivera advised CT-1 that "Javier" would have \$20,000 tomorrow. Carlos GUILLEN-Rivera again inquired of CT-1 whether CT-1 would be able to meet with Carlos GUILLEN-Rivera on this date. CT-1 confirmed that CT-1 would not be able to meet with Carlos GUILLEN-Rivera until a later date. CT-1 planned to meet with Carlos GUILLEN-Rivera the following day and ended the phone call.

35. On January 28, 2010, at approximately 12:14 p.m., CT-1 received an incoming telephone call from Manuel CARRASCO-Ruiz from the following telephone number: (321) 299-8093. The phone call was consensually monitored and recorded by ATF S/A Kevin McCann and ATF S/A David Robison. CT-1 answered the call and told CARRASCO-Ruiz that CT-1 just

finished talking to "Carlos." CARRASCO-Ruiz acknowledged CT-1's advisement of the previous conversation between CT-1 and Carlos GUILLEN-Rivera. CARRASCO-Ruiz inquired with CT-1 about the availability of eight (8) lower receivers (firearms). CT-1 confirmed with CARRASCO-Ruiz that CARRASCO-Ruiz was speaking of the AR-15 type lower receivers made by Bushmaster, which CARRASCO-Ruiz previously ordered. CARRASCO-Ruiz confirmed that he was seeking to obtain the Bushmaster lower receivers. CT-1 explained to CARRASCO-Ruiz that Bushmaster lower receivers are hard to find. CT-1 assured CARRASCO-Ruiz that CT-1 would do his best to find what CARRASCO-Ruiz wanted to purchase. CT-1 and CARRASCO-Ruiz planned to meet the following day, January 29, 2010, at 1:00 p.m., at 7002 Alvina Way.

36. On January 28, 2010, at approximately 12:17 p.m., under the direction of ATF S/A Kevin McCann, CT-1 placed a consensually monitored and recorded telephone call to (407) 923-7736, a number previously provided to CT-1 by "Javier." CT-1 once again told "Javier" that he had problems with his vehicle while en route to a planned meeting on January 26, 2010. Therefore, CT-1 explained, that he was not able to make it to 7002 Alvina Way to deliver firearms as planned. CT-1 added that the firearms intended for 7002 Alvina Way were locked in his vehicle after it was towed. CT-1 informed "Javier" that he left the firearms in the truck because he did not want anyone at the garage, where the vehicle was towed, to see the firearms. "Javier" asked CT-1 if CT-1 had any problems with the police. CT-1 reassured "Javier" that CT-1 only had problems with the vehicle. CT-1 advised "Javier" that CT-1 needed to receive payment for two (2) firearms that CT-1 previously delivered to "Javier." "Javier" responded, "how much for two guns?" CT-1 advised "Javier" that "Javier" owed CT-1 \$4,100.00 for two firearms already in "Javier's" possession. CT-1 stated, "you got the flare gun, you know the one you call a grenade launcher," referring to the aforementioned AR-15 rifle with a flare launcher and the "HK," referring to the H&K SL8 rifle, also mentioned above. "Javier" acknowledged that he had those firearms, as described, in his possession, and that "Javier" still owed CT-1 money for the firearms. The above listed H&K rifle and the AR-15 rifle with flare launcher were not part of the firearms recovered in the aforementioned packaged seized by ICE en route to Honduras.

37. Additionally, CT-1 advised "Javier" that CT-1 acquired some of the firearms that were on a "wish list" provided to CT-1 by "Javier." "Javier" advised CT-1 that "Javier" would have a little bit of money to give CT-1 for firearms either "today or tomorrow." Additionally, "Javier" told CT-1 that he might have "20," interpreted by CT-1 as \$20,000.00, on Monday or Tuesday. CT-1 confirmed with "Javier" that CT-1 would receive some money during a meeting planned for the following day and would have \$20,000.00 to spend on firearms the following week. "Javier" and CT-1 continued to have further discussion related to firearms transactions. CT-1 and "Javier" agreed to meet on the following day and the call was concluded.
38. On January 28, 2010, at approximately 12:20 p.m., under the direction of ATF S/A Kevin McCann, CT-1 placed a consensually monitored and recorded telephone call to (407) 453-7188, a number previously provided to CT-1 by Cesar GUILLEN-Rivera, a.k.a. "Cecil." CT-1 explained to Cesar GUILLEN-Rivera, as previously explained to the others, the reason behind CT-1 not making the planned meeting on January 26, 2010, at 7002 Alvina Way. CT-1 stated to Cesar GUILLEN-Rivera, "You know those shiny short AR's that you wanted?" Cesar GUILLEN-Rivera acknowledged that he was still interested in obtaining the "chromed" AR-15 SBRs as previously detailed during the interview of CT-1. CT-1 advised Cesar GUILLEN-Rivera that CT-1 would be at 7002 Alvina Way residence on the following day, January 29, 2010, at 1:00 p.m. Cesar GUILLEN-Rivera asked CT-1 about acquiring AR-15 rifles in black. CT-1 asked Cesar GUILLEN-Rivera how many AR-15 rifles Cesar GUILLEN-Rivera wanted. Cesar GUILLEN-Rivera told CT-1 that he wanted two (2) AR-15 rifles, in black, and offered to pay CT-1 the money during the meeting scheduled on the following day. CT-1 confirmed that Cesar GUILLEN-Rivera wanted two (2) AR-15 rifles, in black, in addition to the four (4), "chromed" AR-15 SBRs already ordered. Cesar GUILLEN-Rivera acknowledged the pending order and agreed to meet with CT-1 at 7002 Alvina Way on the following day.
39. On January 28, 2010, at approximately 1:05 p.m., CT-1 received an incoming telephone call from the following telephone number: (407) 285-5893, a number previously provided to CT-1 by Hector SAENZ. The phone call was consensually monitored and recorded by ATF S/A

McCann and ATF S/A Robison. CT-1 answered the incoming call and confirmed that the call was from "Hector." CT-1 and SAENZ had general conversation to including SAENZ advising CT-1 that he recently returned to the United States, presumably from Honduras. At one point during the phone call, SAENZ said to CT-1, "These guys are looking for you, Cecil, everybody, Javier I guess." CT-1 advised SAENZ that he spoke to "Javier," "Manuel," "Cecil" and "Carlos." SAENZ explained to CT-1 that "Javier," "Manuel," "Cecil" and "Carlos" told SAENZ that they could not make contact with CT-1, and that they wanted SAENZ to make contact with CT-1 to find out why CT-1 did not meet with them on January 26, 2010. CT-1 went on to provide the same story to SAENZ about the vehicle problems, explaining why CT-1 did not make the meeting. According to CT-1, SAENZ seemed satisfied with CT-1'S explanation. CT-1 asked SAENZ if he needed anything, referring to an order for firearms. SANEZ responded that he did not need anything at this time, but would let CT-1 know if that changed. The call was concluded.

40. On January 28, 2010, at approximately 6:19 p.m., CT-1, under the direction of ATF S/A McCann, placed a telephone call to Carlos GUILLEN-Rivera at the following telephone number: (407) 453-8971. The telephone call, which was recorded, was in return of a previously missed incoming call to CT-1 from "Carlos." During the phone call, CT-1 advised Carlos GUILLEN-Rivera that CT-1 would be at 7002 Alvina Way the following day, at approximately 1:00 p.m. Carlos GUILLEN-Rivera asked CT-1 if CT-1 had any "five sevens," referring to FN, model Five-SeveN, 5.7mm pistol. CT-1 advised Carlos GUILLEN-Rivera that CT-1 would bring the pistols to the scheduled meeting if CT-1 had any available. Additionally, Carlos GUILLEN-Rivera asked CT-1 if CT-1 had any ammunition available and inquired about a "thirty four" with a laser, referring to a Glock, model 34, 9mm pistol with a laser sight. CT-1 and Carlos GUILLEN-Rivera agreed to meet on the following day and ended the phone call.
41. On January 29, 2010, at approximately 11:36 a.m., CT-1 received an incoming telephone call from Carlos GUILLEN-Rivera. The telephone call was recorded. CT-1 interpreted the call to be in reference to a scheduled meeting on the same day at 1:00 p.m. Carlos GUILLEN-Rivera asked if CT-1 was bringing "anything" for him, interpreted by CT-1 to mean

firearms. CT-1 advised Carlos GUILLEN-Rivera that CT-1 was on the way to meet with Carlos GUILLEN-Rivera. Additionally, CT-1 informed Carlos GUILLEN-Rivera that CT-1 was planning to pick up previously requested firearms before arriving at 7002 Alvina Way. CT-1 again confirmed with Carlos GUILLEN-Rivera that CT-1 would be at 7002 Alvina Way at approximately 1:00 p.m. CT-1 again asked Carlos GUILLEN-Rivera to have the money ready for CT-1 when CT-1 arrived at the residence.

UNDERCOVER MEETING

42. On January 29, 2010, under the direction of ATF S/A McCann and I (S/A Temple), CT-1 traveled to the residence located at 7002 Alvina Way in order to meet with Manuel Dejesus CARRASCO-Ruiz, Carlos Humberto GUILLEN-Rivera, Cesar Augusto GUILLEN-Rivera, and "Javier." The meeting was previously scheduled during consensually monitored and recorded telephone calls between CT-1 and the listed individuals. During the meeting, it was anticipated that CT-1 would receive United States currency as payment for previously delivered firearms, along with prepayment for firearms expected to be delivered in the future. Prior to the meeting, CT-1, along with CT-1's vehicle, was searched, which revealed no firearms or U.S. currency. CT-1 was provided with an audio transmitter and an audio recorder for the purposes of monitoring and recording the meeting.
43. At approximately 1:45 p.m., CT-1 arrived at 7002 Alvina Way. CT-1 pulled his vehicle through the wooden privacy fence, as usual, which was opened just before and closed just after CT-1's arrival. Agents monitoring the conversation via the audio transmitter overheard CT-1 address three individuals as "Manuel," "Cecil" and "Javier." Additionally, conversation ensued as it relates to firearms previously obtained and firearms ordered from CT-1 for future delivery. Furthermore, there was discussion of money as it relates to money owed and money "fronted," meaning money paid to CT-1 in advance of the delivery of firearms.
44. At approximately 2:25 p.m., CT-1 departed the residence in the same direction from which he came. CT-1, who was followed into and away from the area of the residence by ATF

personnel, met with ATF S/A Kevin McCann and I at a predetermined meet location. At that time, CT-1 turned over a total of \$13,500.00 obtained from the individuals at 7002 Alvina Way. Specifically, CT-1 received \$10,000.00 from Cesar GUILLEN-Rivera. CT-1 received \$2,500.00 from "Javier." CT-1 received \$1,000.00 from Manuel CARRASCO-Ruiz. CT-1 stated that the individual known to CT-1 as "Carlos," meaning Carlos GUILLEN-Rivera, did not meet with CT-1 at the residence. However, CT-1 stated that an individual not previously known to CT-1 arrived at the location during the meeting and joined in with the others. After initially declining to identify himself, the individual told CT-1 that his name was "Carlos." CT-1 advised S/A McCann that the individuals were acting somewhat suspicious or nervous of CT-1, possibly due to a change in CT-1'S routine. In addition to the U.S. currency, CT-1 provided S/A McCann with information as it relates to a "wish list" of approximately fifty (50) firearms, including FN Five-SeveN pistols, AR-15 "short" rifles, and Glock pistols, ordered by the listed individuals at the meet.

UNDERCOVER TELEPHONE CALLS

45. On January 31, 2010, at approximately 4:20 p.m., CT-1 received an incoming telephone call from the following telephone number: (407) 923-7736, a number previously provided to CT-1 by "Javier." During the phone call, which was brief, "Javier" inquired of CT-1 as to CT-1's whereabouts. CT-1 advised "Javier" that he was currently unavailable and planned to call "Javier" at a later time. CT-1 believed that the inquiry was related to the fact that CT-1, now under the direction of the ATF, has had to change his firearms trafficking routines, which may have resulted in the individuals at 7002 Alvina Way having a heightened sense of security as it relates to potential law enforcement involvement. Furthermore, CT-1 was requested by ATF S/As not to attend a gun show in Jacksonville, Florida, on January 30 and 31, 2010, which again was a variation from CT-1'S routine.
46. On February 2, 2010, at approximately 2:53 p.m., CT-1 returned a missed incoming call to Hector SAENZ at the following telephone number (407) 285-5893. The telephone call was recorded. During the telephone call, CT-1 expressed concerns to SAENZ about the previous meeting between CT-1, "Manuel," "Cesar" and "Javier." SAENZ told CT-1 that, he too,

along with the others listed, has some concerns about CT-1. CT-1 went on to advise SAENZ that SAENZ owed CT-1 money for firearms previously ordered by SAENZ. Additionally, CT-1 told SAENZ that CT-1 had firearms to deliver to SAENZ. CT-1 continued the conversation with SAENZ as it related to firearms requested by all of the listed individuals including SAENZ. CT-1 asked SAENZ to gather everyone together, with all of the money, so that CT-1 can make one delivery of firearms and receive all of the money owed. Additional conversation ensued as to the availability of machineguns, meaning fully automatic rifles. SAENZ did not commit either way to his interest in the machineguns. After general conversation, including SAENZ identifying his fiancée's name as "Claudia," the conversation was ended.

47. On February 2, 2010, at approximately 6:24 p.m., under the direction of ATF S/A McCann, CT-1 placed a consensually monitored and recorded telephone call to Manuel CARRASCO-Ruiz. During the conversation, CT-1 informed CARRASCO-Ruiz that CT-1 is going to bring everything, meaning firearms, to the meeting on Friday, February 5, 2010. CT-1 asked CARRASCO-Ruiz to have the money for the firearms. CARRASCO-RUIZ stated that he would call his uncle in Honduras to see about the money. CT-1 advised CARRASCO-RUIZ that CT-1 has the "ARs" with short barrels and that they are illegal in the United States. CT-1 further advised that CT-1 wants to make sure that the firearms are not going on the streets in the United States since they can be traced back to CT-1. CARRASCO-Ruiz assured CT-1 that there was no need to worry. CARRASCO-Ruiz stated that he would call CT-1 at a later time and let CT-1 know about the status of the money. CARRASCO-Ruiz stated that the money should be available on Friday or Saturday. After additional discussion about the pending firearm transaction, including the availability of fully automatic rifles, the call was concluded.

48. On February 2, 2010, at approximately 6:35 p.m., under the direction of ATF S/A Kevin McCann, CT-1 placed a consensually monitored and recorded telephone call to Carlos GUILLEN-RIVERA. During the phone call, CT-1 informed Carlos GUILLEN-Rivera that CT-1 would no longer meet with Carlos GUILLEN-Rivera and associates multiple times throughout the week as in the past, but instead, future meetings in furtherance of firearms

transactions would occur once a week. This was due, CT-1 explained, to the fact that one of CT-1'S customers was recently "caught with some of his guns" and CT-1 wanted to lessen the risk of discovery by law enforcement. CT-1 added that the short barreled AR15-type rifles that CT-1 previously sold to Carlos GUILLEN-Rivera and associates are illegal in the United States. Carlos GUILLEN-Rivera confirmed that the rifles obtained from CT-1 are exported and not sold in the United States.

49. On February 2, 2010, at approximately 6:42 p.m., under the direction of ATF S/A Kevin McCann, CT-1 placed a consensually monitored and recorded telephone call to "Javier." During the phone call, CT-1 and "Javier" discussed the fact that some of the previous firearms that were sold to "Javier" and associates were illegal to possess because of less than legal length of the barrels. CT-1 wanted to ensure that the short barreled rifles were not being resold in the United States. CT-1 asked "Javier," "When you get them, where do they go?" "Javier" said that he did not understand the question. "Javier" told CT-1 to talk to "Carlos," who apparently has a better grasp of the English language, about that. CT-1 and "Javier" then discussed the availability of firearms, including fully automatic rifles and their price. "Javier" stated, "No problem on the full automatics, amigo." CT-1 asked "Javier" how many he wanted. "Javier" inquired further as to the price of the rifles. "Javier" also confirmed with CT-1 that the rifles were "short." CT-1 confirmed that the rifles were short, and added that the rifles were "shorter than it's supposed to be." "Javier" then passed the telephone to Carlos GUILLEN-Rivera. CT-1 then discussed with Carlos GUILLEN-Rivera the availability and price of the aforementioned firearms at the request of "Javier" due to the language barrier. Carlos GUILLEN-Rivera further explained to "Javier" the information related to the firearms as provided by CT-1. Carlos GUILLEN-Rivera told CT-1 that "Javier" would call CT-1 if "Javier" was interested in the fully automatic rifles. General conversation ensued until the call was concluded.

50. On February 2, 2010, at approximately 6:55 p.m., under the direction of ATF S/A McCann, CT-1 placed a consensually monitored and recorded telephone call to Cesar GUILLEN-Rivera. CT-1 confirmed it was with Cesar GUILLEN-Rivera that CT-1 was speaking. Cesar GUILLEN-Rivera asked CT-1 when CT-1 was coming to meet him, interpreted by CT-1 to

mean deliver firearms. CT-1 advised Cesar GUILLEN-RIVERA that CT-1 would plan to meet with Cesar GUILLEN-Rivera on Friday, February 5, 2010. Cesar GUILLEN-Rivera agreed to the meet date and asked CT-1 if CT-1 "had everything" (referring to the firearms). CT-1 responded by saying that he had everything Cesar GUILLEN-Rivera wanted, plus some more, meaning firearms. CT-1 went on to have further conversation with Cesar GUILLEN-Rivera as it related to prior firearms transactions with Cesar GUILLEN-Rivera. CT-1 advised Cesar GUILLEN-Rivera that rifles previously sold to GUILLEN-Rivera were illegal due to the fact that the barrels were less than the legal limit, otherwise known as short barrel rifles. CT-1 expressed concerns with Cesar GUILLEN-Rivera about the SBRs being traced back to CT-1. Cesar GUILLEN-Rivera assured CT-1 that CT-1 did not need to worry, and that their business relationship was still strong. CT-1 advised Cesar GUILLEN-Rivera about additional firearms, including fully automatic rifles (machineguns) that were available for sale. Cesar GUILLEN-Rivera asked CT-1 to bring the machineguns to the meet on Friday, along with a Glock 34 with fixed laser sights. CT-1 and Cesar GUILLEN-Rivera agreed to meet on Friday and the call was ended.

FINANCIAL INVESTIGATION

51. On or about January 11, 2010, it was discovered that CT-1 received a total of five (5) money wire transfers, via Wal-Mart Money Grams, from individuals in Honduras. On October 14, 2009, CT-1 received a total of three wire transfers at multiple Wal-Mart locations. The wire transfers in the amounts of \$3,775.00, \$3,888.00, and \$3,779.00 were all sent from Gilma SAENZ-Erazo from Honduras. During the interview with CT-1, CT-1 explained that the individuals at 7002 Alvina Way provided CT-1 with the details related to "picking up" the money from Wal-Mart. Additionally, CT-1 stated that the individuals advised CT-1 that the money would be sent to multiple Wal-Mart locations in order to avoid any potential scrutiny by law enforcement. On October 22, 2009, CT-1 received a wire transfer in the amount of \$2,560.00 from Gilma SAENZ-Erazo from Honduras. On October 28, 2009, CT-1 received a wire transfer in the amount of \$1,966.31 from Juan RIVERA-Carcamo from Honduras.

52. A preliminary query of financial databases, specifically related to money being transferred, via Wal-Mart Money Grams, from individuals in Honduras to individuals linked to 7002 Alvina Way, revealed \$50,917.99 worth of transfers during the period of August 2009 thru January 2010. On August 3, 2009, Jeny SAENZ, with an address of 7002 Alvina Way, Orlando, received a wire transfer in the amount of \$1,028.00 from Rosa RIVERA-Carcamo from Honduras. Also, on August 3, 2009, Lorena SAENZ, with an address of 7002 Alvina Way, received a wire transfer in the amount of \$1,000.00 from Rosa RIVERA-Carcamo from Honduras. On August 8, 2009, Manuel CARRASCO, with an address of 7002 Alvina Way, received a wire transfer in the amount of \$2,646.19 from Carlos MORALAS-Garcia from Honduras. On August 11, 2009, Manuel Jesus CARRASCO, with an address of 7002 Alvina Way, received a wire transfer in the amount of \$5,000.00 from Rosa RIVERA-Carcamo from Honduras. On August 12, 2009, Cesar Augusto GUILLEN, with an address of 7002 Alvina Way, received a wire transfer in the amount of \$1,543.00 from Kevin ESCOBAR-Escobar from Honduras. On August 18, 2009, Sintia LORENA-Saenz, with an address of 7002 Alvina Way, received a wire transfer in the amount of \$1,183.00 from Hector RIVERA from Honduras. On August 19, 2010, Manuel Jesus CARRASCO, with an address of 7002 Alvina Way, received a wire transfer in the amount of \$4,120.00 from Francisco CARRASCO-Moncada from Honduras. On August 29, 2009, Manuel CARRASCO, with an address of 7002 Alvina Way, received a wire transfer in the amount of \$1,500.00 from Lizzeth CARDONA from Honduras.
53. On September 6, 2009, Carlos Humberto GUILLEN, with an address of 825 Dorado Avenue, Orlando, Orange County, Florida, received a wire transfer in the amount of \$1,490.00 from Josefa CORNEJO-Vasquez from Honduras. On September 7, 2009, Jenny Margot SAENS, with an address of 7002 Alvina Way, received a wire transfer in the amount of \$1,080.00 from Rosa GUILLEN-Rivera from Honduras. On September 11, 2009, Manuel CARRASCO, with an address of 7002 Alvina Way, received a wire transfer in the amount of \$1,028.50 from Francisco MONCADA from Honduras. On September 16, 2009, Manuel CARRASCO, with an address of 7002 Alvina Way, received a wire transfer in the amount of \$5,150.55 from Francisco MONCADA from Honduras. On September 17, 2009, Jeny Margoth SAENZ, with an address 7002 Alvina Way, received a wire transfer in the amount

of \$2,055.00 from Keyla GUILLEN-Rivera from Honduras. On September 25, 2009, Javier GUILLEN, with an address of 7002 Alvina Way, received a wire transfer in the amount of \$1,839.46 from Rosa RIVERA-Carcamo from Honduras. On September 29, 2009, Manuel CARRASCO, with an address of 7002 Alvina Way, received a wire transfer in the amount of \$2,059.00 from Francisco MONCADA from Honduras.

54. On October 3, 2009, Maria GUILLEN, with an address of 7002 Alvina Way, received a wire transfer in the amount of \$1,000.00 from Francisco MONCADA from Honduras. During the month of October 2009, CT-1 received wire transfers from the same senders in Honduras as listed above.

55. On November 24, 2009, Sintia Lorena SAENZ, with an address of 7002 Alvina Way, received a wire transfer in the amount of \$1,543.81 from Rosa RIVERA-Carcamo from Honduras. On November 30, 2009, Carlos Humberto GUILLEN, with an address of 825 Dorado Avenue, Orlando, received a wire transfer in the amount of \$2,548.53 from Rosa RIVERA-Carcamo from Honduras.

56. On December 26, 2009, Manuel CARRASCO, with an address of 7002 Alvina Way, received a wire transfer in the amount of \$5,913.04 from Milton RUIZ from Honduras.

57. On January 2, 2010, Manuel CARRASCO, with an address of 7002 Alvina Way, received a wire transfer in the amount of \$4,252.68 from Cesar HERNANDEZ from Honduras. On January 2, 2010, Jenny SAENZ, with an address of 7002 Alvina Way, received a wire transfer in the amount of \$1,958.81 from Gilma SAENZ-Erazo from Honduras. On January 27, 2010, Manuel CARRASCO, with an address of 7002 Alvina Way, received a wire transfer in the amount of \$978.42 from Sonia MATUTE-Chacon from Honduras.

INTERSTATE NEXUS

58. I have examined the Glock (Austria) pistols and FN (Belgium) pistols recovered from the shipment that was intercepted by S/As on January 29, 2010. I have determined that the

firearms have traveled in or affected interstate and foreign commerce. Based on the facts of this investigation, all of the firearms in this case are real firearms and meet the definition of firearms under federal law.

59. As a part of the investigation, I instructed ATF Industry Operations Investigator Kerri Berman to conduct a computerized search of the ATF licensing records to determine whether CT-1 is now, or ever has been, an FFL. Investigator Berman verified that CT-1 never has been an ATF federally licensed manufacturer, dealer or importer of firearms.

CORROBORATION OF PREMISES

60. On February 3, 2010, I conducted a drive by of the residence at 7002 Alvina Way, and found it to be consistent of the description in Attachment A.

FIREARMS TRAFFICKING EXPERTISE

61. Based on my training and experience in numerous investigations involving unlawful firearms trafficking, I know that individuals involved in the repetitive purchase and sale of firearms often keep records, receipts, notes, and other documentation relating to the acquisition and disposition of these firearms in their residences, in their vehicles, and on their person for long periods of time; and that individuals who are unlawfully trafficking in firearms often keep false receipts and documentation as to the disposition of firearms they have purchased, shipped and sold for long periods of time, and transport these records and receipts in their vehicles when doing business.

WEAPONS OF CHOICE EXPERTISE

62. Based on my training and experience, a Cartel-led Drug Trafficking Organization (DTO) connection is suspected when the firearms and ammunition being "trafficked" are popular with the Cartels, such as assault rifles (AR-15 type) and FN Five-SevenN pistols. The FN Five-SevenN shoots a 5.7 x 28 mm round that has been shown to penetrate body armor and

vehicle doors and windows. Because of this, they recently have become very popular with Cartel enforcers, who have begun to call the weapons “matapolicias,” meaning “police killers.” Due to the rising popularity of the 5.7 x 28 mm firearms among Cartel gunmen, many of these somewhat esoteric (and excellently manufactured) weapons are acquired in the United States and end up in the hands of violent DTOs in Central and South America. Any time one of these weapons is connected to a crime on either side of the border, a Cartel link should be considered. The firearm problem in Central and South America is similar to the drug problem in the United States in that it is extremely difficult to reduce the supply of the illicit items without first reducing the demand. Any small reduction in the supply leads to an increase in price, which further stimulates efforts to provide a supply. Therefore, as long as the demand for such weapons persists, people will continue to find creative ways to meet that demand and make a profit. With that demand being fed, at least in part, by drug Cartels that are warring for control of drug trafficking routes into the United States, the two problems of drugs and guns will continue to be deeply intertwined.

FINANCIAL EXPERTISE

63. Based upon my training and experience as well as communicating with ATF Asset Forfeiture Investigator Steve Pelletier, I know that individuals, including those receiving income from illegal sources, often maintain within their residence items evidencing their possession of assets and personal financial transactions. These items often include personal financial statements, receipts, bank records, money order and cashier's check receipts, property records, vehicle records, receipts, invoices, statements, investment records, stock and bond records, tax records, correspondence, diaries, and handwritten notes. These records are often maintained for extended periods of time, often years, and can be used to identify the receipt of funds derived from criminal activity as well as trace the ultimate disposition of these funds. Individuals attempting to conceal their assets, and other individuals receiving income from illegal sources often secrete currency and other monetary instruments within safe deposit boxes. The keys and rental agreements for these boxes are often maintained in a secure location within their residence. United States currency, monetary instruments, precious metals, and jewelry all tend to evidence the accumulation of wealth, including

wealth gained from illegal activities. These items are often maintained within an individual's residence. Individuals attempting to conceal their assets and other individuals receiving income from illegal sources commonly maintain within their residence personal address or telephone books, photographs, and other documents tending to show the identities of associates or co-conspirators, or tending to identify the location of criminally derived property. Individuals who have participated in illegal activities for several years sometimes discard or hide items that may indicate their involvement in criminal activity. However, these individuals often will have within their residence items of evidentiary value because of their failure to understand the incriminating nature of certain innocuous appearing items, their inadvertence, or simple carelessness.

INDICIA OF CONTROL OF PREMISES EXPERTISE

64. Based on information provided and your affiant's training, knowledge, and experience in which your affiant has participated in the execution of many search warrants, your affiant knows that persons possess in their residences, businesses, other real property, and vehicles over which they have dominion and control, documents which indicate their occupancy and/or ownership of the residence, such as personal mail, checkbooks, identification, notes, correspondence, utility bills, rent receipts, payment receipts, financial documents, keys, photographs, leases, mortgage bills, vehicle registration information, ownership warranties, receipts for vehicle parts and repairs, and telephone answering machine introductions; that persons often have containers of undeveloped photographic film, containing photographs (when developed) of themselves occupying the property and vehicles, and that these containers of film are usually located within the property and/or vehicles which are under their dominion and control.

STATE DEPARTMENT EXPORTATION LICENSE CHECK

65. On February 3, 2010, I contacted ICE Senior S/A (SSA) Mark Henych, who provided the following information as it relates to the illegal export of firearms associated with this investigation.

66. SSA Henych is currently assigned to the ICE office in Orlando in the Middle District of Florida. SSA Henych has been assigned to this office as a S/A since November 2003. During this time, SSA Henych has conducted and assisted with investigations related to the importation and export of licensable items of both military and commercial interest contrary to various federal laws and regulations. These violations included merchandise that was imported or exported in violation of the International Emergency Economic Powers Act (IEEPA), the Export Administration Regulations (EAR), the regulations of the Office of Foreign Assets Control (OFAC), and the International Trafficking in Arms Regulations (ITAR) under the Arms Export Control Act (AECA). SSA Henych has received specialized and advanced training in the enforcement of these laws. SSA Henych has also attended and completed advanced ICE training in the investigation of customs fraud and related matters.

Statutory Authority

67. The Department of Homeland Security (DHS) ICE has the statutory and regulatory authority and responsibility to enforce federal laws and regulations concerning the violations set forth in the paragraphs below. ICE has the statutory authority to enforce federal laws pursuant to 13 U.S.C. § 305, False or Misleading Export Information; and 18 U.S.C. § 554, Smuggling Goods from the United States. ICE enforces these and other statutes to ensure the integrity of commerce, accurate census reporting, adherence to the laws and regulations of other governmental agencies, protection of United States critical technologies, safeguard United States financial systems and to ensure that items requiring export license or approval from various United States government agents are exported in accordance with those agencies regulations (for example the International Trafficking in Arms Regulations (ITAR) as related to the Arms Export Control Act (AECA) and the Export Administration Regulations (EAR)).

US Immigration & Customs Enforcement Data Checks

68. On February 4, 2010 SSA Henych conducted record checks of trade databases available to ICE in order to locate any record of export or declaration for the subjects identified in this investigation. Specifically, SSA Henych attempted to locate any record of a Shippers Export

Declaration (SED), which SSA Henych has advised me is required for the export of items requiring license (specifically firearms) and also for exports that are commercial in nature (for financial gain).

69. SSA Henych advised me that on this same day, he conducted export record checks of the names listed on at least nine (9) bills of lading obtained from Cargo Honduras related to the subjects of this investigation. SSA Henych stated that he specifically conducted export record checks on the bill of lading which was related to the seizure of twenty-six (26) handguns and rifles consigned for export to Honduras under the name of Edgar RUIZ.
70. SSA Henych attempted to locate any export information for Edgar RUIZ in Orlando, Florida. He advised that he was not able to locate any SED or any record of this name. SSA Henych attempted to locate foreign consignee information or SED's for William Rivera in Honduras and was unable to do so. SSA Henych attempted to locate foreign consignee and/or SED information for Hector Hernandez in Honduras and was unable to locate any information. SSA Henych attempted to locate any foreign consignee or SED information for Manuel Rivera and was unable to do so. SSA Henych attempted to locate export records and/or SED's for CT-1 and did not locate any. SSA Henych attempted to find any record of an export or SED associated with 7002 Alvina Way, and did not locate any export records or SED's associated with this address.
71. SSA Henych has advised me that he conducted these records checks because, as stated in 15 C.F.R Chapter VII Section 758.1 (The Shipper's Export Declaration (SED) or Automated Export System (AES) record), the SED (Form 7525-V, Form 7525-V-Alt, or AES record) is used by the Bureau of Census to collect trade statistics and by the Bureau of Industry and Security for export control purposes. Additionally, the person who signs the SED or transmits data via AES, whether exporter (United States principal party in interest) or agent, is responsible for the truth, accuracy, and completeness of the SED or AES record, except insofar as that person can demonstrate that he or she reasonably relied on information furnished by others. All information shown on the SED or AES record is required to be true, accurate, and complete.

72. SSA Henych has further advised me that based upon his training and experience in the investigation of export and customs related fraud, persons and companies who wish to export items in violation of United States laws and regulations often disguise their names, use false information, use fake addresses and phone numbers and also mislead Customs Officers and Agents by comingling contraband with non-violative items such as household goods and furniture. Furthermore, in order to smuggle contraband or items requiring a license or a SED, exporters often provide a false bill of lading and undervalue their shipments in order be under the \$2,500 SED requirement (any shipment with a value in excess of \$2,500 requires a Shippers Export Declaration). A review of the contents of the shipment seized from Edgar RUIZ from 7002 Alvina Way located twenty-six (26) guns and rifles with an estimated value of at least \$25,000.

NATIONAL FIREARMS ACT EXPERTISE

73. I have participated in the execution of many search warrants for Nation Firearms Act (NFA) weapons including "short barrel rifles." I know that persons who make or possess "NFA weapons" do so in the privacy of their homes; evidence of this manufacture and or possession will remain on the premises such as: diagrams/books/documentation on how to make "NFA Weapons," auto sears, trigger, hammer, and bolt carriers, tools, other firearms parts and accessories, receipts for the purchase of these items and photographs of these items; and the ATF National Academy teaches that Federal Circuit Court and State Court decisions have held that it is reasonable to believe that persons who make "machine guns" frequently do so in their homes. ATF Firearms Technology Branch examiner Michael Curtis conducted a preliminary photographic examination of the short barrel rifles in this investigation and determined that they are classified as NFA weapons "short barrel rifles" requiring registration with ATF NFA Branch.

NFA REGISTRATION SEARCH

74. I have caused a search to be made of the National Firearms Registration and Transfer Record, ATF in West Virginia and was advised that there are no NFA firearms registered to Hector SAENZ, Manuel Dejesus CARRASCO-RUIZ, Carlos Humberto GUILLEN-RIVERA, Cesar

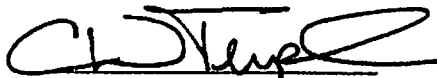
Agusto GUILLEN-RIVERA and CT-1. Furthermore, none of the short barreled rifles recovered in this investigation are registered with the ATF NFA Branch as required by law.

PRELIMINARY IMMIGRATION STATUS

75. On February 1, 2009, I received the following information related to current immigration status for individuals identified during the course of this investigation, from ICE S/A Jacqueline Acosta: Manuel dejesus CARRASCO-Ruiz, DOB [REDACTED]/1969, Honduras, out of status, A# 094825894; Carlos Humberto GUILLEN-Rivera, DOB [REDACTED]/1980, Honduras, out of status, no A-file found; Cesar Augusto GUILLEN-Rivera, DOB [REDACTED]/1978, Honduras, out of status, prior deport, A# 098964257; Hector SAENZ, DOB [REDACTED]/1972, Honduras, lawful permanent resident, A# 079096265. All aliens who are out of status are illegally and unlawfully in the United States and are prohibited from possessing firearms.


CONCLUSION

76. Based upon the investigation, there is probable cause to believe that Manuel Dejesus CARRASCO-Ruiz, Carlos Humberto GUILLEN-Rivera, Cesar Augusto GUILLEN-Rivera, FNU LNU AKA "Javier," and Hector SAENZ conspired to commit and did commit the following federal criminal violations: Illegally Possess Firearm(s) as Aliens unlawfully or illegally in the United States (all defendants except HECTOR SAENZ and FNU LNU a/k/a "JAVIER") in violation of 18 U.S.C. § 922(g)(5)(A); Illegally Receive or Possess Firearm(s) not registered to them in the National Firearm Registration & Transfer Record (all defendants except FNU LNU a/k/a "JAVIER"), in violation of 26 U.S.C. § 5861(d); Illegally Export or Send merchandise, articles, or objects from the United States, in violation of 18 U.S.C. § 554(a) (all defendants); and Conspiracy, in violation of 18 U.S.C. § 371 (all defendants); and there is probable cause to believe that the vehicles, residence, and outbuildings located at 7002 Alvina Way (more fully described in Attachment "A"), as well as their persons, contain evidence, fruits and instrumentalities (more fully described in Attachment "B") of the above-referenced criminal violations.



Christopher W. Temple
Special Agent, ATF

Sworn to and subscribed before me this 5th day of February, 2010.



KARLA R. SPAULDING
UNITED STATES MAGISTRATE JUDGE