

## United States District Court

U.S.D.C. Atlanta

ORIGINAL

NORTHERN DISTRICT OF GEORGIA

FEB 05 2010

UNITED STATES OF AMERICA

v.

JAMES N. HATTEN, Clerk  
By:  Deputy Clerk

CRIMINAL COMPLAINT

DANIEL BERNAL-PEREZ and  
DARIO RODRIGUEZ-GOMEZ

CASE NUMBER: 1:10-MJ-0126

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about January 31, 2010 in DeKalb County, in the Northern District of Georgia defendant(s) Track Statutory Language of Offense)

being aliens who were illegally and unlawfully in the United States, did possess in and affecting interstate commerce firearms, that is, Norinco, model SKS, 7.62 X 39mm rifle, s/n 10256701;

Olympic Arms, model MFR, .223 caliber rifle, s/n NF1593;

Norinco, model SKS, 7.62 X 39mm rifle, s/n 1613463;

Norinco, model SKS, 7.62 X 39mm rifle, s/n 1602151.


in violation of Title 18 United States Code, Section(s) 922(g)(5) and 2.

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

See Attached Affidavit

Continued on the attached sheet and made a part hereof.

(X) Yes ( ) No

  
Signature of Complainant  
Adrian A. Halley


Based upon this complaint, this Court finds that there is probable cause to believe that an offense has been committed and that the defendant has committed it. Sworn to before me, and subscribed in my presence

February 5, 2010  
Date

at

Atlanta, GA  
City and State

Janet F. King  
United States Magistrate Judge  
Name and Title of Judicial Officer  
AUSA William L. McKinnon, Jr.

  
Signature of Judicial Officer

AFFIDAVIT

I, Adrian A. Halley, being duly sworn, depose and state that:

1. I am a Special Agent (S/A) with the United States Justice Department, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Atlanta, Georgia, and have been so employed since February 19, 2008. I am currently assigned to the Atlanta I (Firearms Trafficking) Field Office, which is involved in various facets of ATF's enforcement programs. I am a graduate of the Federal Law Enforcement Training Center and the ATF National Academy. As a result of my training and experience, I am familiar with federal laws, to include Title 18, United States Code.

2. This affidavit is being filed based on personal knowledge, personal observations, interviews with witnesses, review of government and business records, and of records, reports, and information obtained from other law enforcement officers. This affidavit is intended to support probable cause for the issuance of a complaint, but is not intended to convey all the facts of the entire investigation. As set forth below, I am conducting an investigation of possession of a firearm(s) by illegal aliens, Title 18 U.S.C. § 922(g)(5) by Daniel BERNAL-PEREZ, aka Lara SANTA CRUZ-SANCHEZ (date of birth 09/14/1974) and Dario RODRIGUEZ-GOMEZ (date of birth 09/27/1981).

3. On January 31, 2010, at approximately 11:00 a.m., law enforcement agents established surveillance at 2699 Dresden Court, Atlanta, Georgia in anticipation of a delivery of firearms.

4. At approximately 11:17 a.m., Task Force Officer (TFO) Kevin De Stefano observed DANIEL BERNAL-PEREZ exit the aforementioned residence and meet two Hispanic males, who arrived at the location in a dark blue Jeep Cherokee. The driver of the Jeep Cherokee was later determined to be DARIO RODRIGUEZ-GOMEZ. The passenger of the vehicle was an unidentified Hispanic male (hereafter referred to as UM1). TFO De Stefano observed the three individuals meet in the driveway of the residence. TFO De Stefano

then observed RODRIGUEZ-GOMEZ opened the door of the Jeep Cherokee for BERNAL-PEREZ. TFO De Stefano observed BERNAL-PEREZ inspect an open, long, rectangular shaped box which was in the rear passenger seat of the Jeep Cherokee.

5. At approximately 11:45 a.m., TFO De Stefano observed an unknown Hispanic male (UM2) arrived at the residence, driving a Lincoln Town Car, tan in color. UM2 met with the three individuals by the Jeep Cherokee.

6. At approximately 11:49 a.m., RODRIGUEZ-GOMEZ retrieved the same box which was inspected by BERNAL-PEREZ from the Jeep Cherokee and carried the box into the residence. TFO De Stefano observed RODRIGUEZ-GOMEZ carry the box into the residence using two hands, as if the box contained items of a heavy weight. UM2, BERNAL-PEREZ, and UM1 followed RODRIGUEZ-GOMEZ into the residence.

7. At approximately 12:00 p.m., RODRIGUEZ-GOMEZ exited the residence carrying the same box that was carried into the house. At this time, RODRIGUEZ-GOMEZ was carrying the box with one hand and threw the box in the rear seat of the Jeep Cherokee, with ease, signifying that the box was empty. RODRIGUEZ-GOMEZ entered the driver seat of the Jeep Cherokee and departed the residence.

8. Later on 01/31/2010, a DeKalb County Magistrate Judge issued a search warrant for the premises located at 2699 Dresden Court, Atlanta, DeKalb County, GA. Upon entry law enforcement officers discovered BERNAL-PEREZ in a bedroom where he was detained. A search of that bedroom's closet resulted in the discovery of three (3) rifles wrapped in a blanket inside of a card board box. Another rifle in a rifle case was discovered on a shelf in the closet. Rifle magazines, assorted ammunition, a small scale, plastic shrink wrap, small distribution baggies, a plastic bag sealer and a bottle of a white powdery substance were found in the bedroom. In addition, numerous documents were found containing the name Daniel BERNAL-PEREZ.

9. The four firearms that were found are further described as follows:

Norinco, model SKS, 7.62 X 39mm rifle, s/n 10256701;

Olympic Arms, model MFR, .223 caliber rifle, s/n NF1593;

Norinco, model SKS, 7.62 X 39mm rifle, s/n 1613463;

Norinco, model SKS, 7.62 X 39mm rifle, s/n 1602151.

10. A search of another bedroom revealed a wallet containing forms of identification bearing the following names: Cipriano RODRIGUEZ, Cipriano RODRIGUEZ-GOMEZ and Dario RODRIGUEZ-GOMEZ. Based upon the investigation to date, your affiant has reason to believe that Cipriano RODRIGUEZ and Cipriano RODRIGUEZ-GOMEZ are alias used by Dario RODRIGUEZ-GOMEZ.

11. While the residence was being searched TFO William Manning read BERNAL-PEREZ his Miranda rights (Spanish). TFO Manning asked BERNAL-PEREZ if he was a Mexican citizen and BERNAL-PEREZ affirmed. Subsequently, TFO Manning informed BERNAL-PEREZ his right to consult with the Mexican Consulate. BERNAL-PEREZ acknowledged that he understood his rights and agreed to speak with TFO Manning. BERNAL-PEREZ admitted he was an alien illegally or unlawfully in the United States. BERNAL-PEREZ initially informed agents that he was not aware of any firearms, narcotics, or currency in the residence. BERNAL-PEREZ later admitted knowledge of the firearms found in his bedroom and stated he was storing the firearms for an unknown black male (UM4). BERNAL-PEREZ later changed his statement, advising agents his was keeping the firearms for the individual that lived in the back bedroom. BERNAL-PEREZ stated that the individual that lived in the back room was named DARIO LNU.

12. Near the conclusion of the execution of the search warrant, RODRIGUEZ-GOMEZ arrived at the residence. RODRIGUEZ-GOMEZ was contacted by agents. DEA TFO De Stefano recognized RODRIGUEZ-GOMEZ as the same individual who delivered and took the previously mentioned open, long, rectangular shaped box. RODRIGUEZ-GOMEZ explained

to agents he lived at the residence and stayed in the back bedroom. RODRIGUEZ-GOMEZ also stated he drove a blue Jeep Cherokee.

13. Subsequently, RODRIGUEZ-GOMEZ and BERNAL-PEREZ were arrested by agents for violations of state law and lodged in the DeKalb County Jail.

14. On February 1, 2010, ATF agents interviewed RODRIGUEZ-GOMEZ at the DeKalb County Jail. Agents read RODRIGUEZ-GOMEZ his Miranda rights (Spanish). RODRIGUEZ-GOMEZ acknowledged that he understood his rights and agreed to speak with agents. RODRIGUEZ-GOMEZ admitted he was an alien illegally or unlawfully in the United States. RODRIGUEZ-GOMEZ advised he lived at 2699 Dresden Court, Atlanta, DeKalb County, GA. RODRIGUEZ-GOMEZ explained the details of his day on January 31, 2010. RODRIGUEZ-GOMEZ stated he went to work at 11:00 a.m. and did not return to his residence until later that evening when he was contacted by agents. Agents explained to RODRIGUEZ-GOMEZ he was not being truthful and RODRIGUEZ-GOMEZ admitted he returned to his residence during the afternoon for fifteen minutes only to meet with his wife. When asked if RODRIGUEZ-GOMEZ had spoken to BERNAL-PEREZ, RODRIGUEZ-GOMEZ explained he did not speak to him when he arrived. Agents again explained to RODRIGUEZ-GOMEZ that he was being untruthful and RODRIGUEZ-GOMEZ admitted he did indeed speak with BERNAL-PEREZ for a brief moment. Agents asked RODRIGUEZ-GOMEZ about a box he had taken into the residence earlier that day and RODRIGUEZ-GOMEZ explained it was a vacuum that he was dropping off at the house. RODRIGUEZ-GOMEZ explained that the box was not of heavy weight and he had taken it inside the house with ease. RODRIGUEZ-GOMEZ informed he also had contact with another individual while he was there dropping off the vacuum but he did not know his name.

15. On February 1, 2010, Immigration and Customs Enforcement (ICE) Immigration Enforcement Agent Carlton Cooper interviewed Daniel BERNAL-PEREZ, aka Lara SANTA CRUZ-SANCHEZ (date of birth 09/14/1974) and Dario RODRIGUEZ-GOMEZ (date of birth 09/27/1981) in order to determine their alien status. Based on his interview, Agent Cooper ascertained that BERNAL-PEREZ and RODRIGUEZ-GOMEZ are aliens who are illegally or unlawfully in the

United States.

16. On January 31, 2010, ATF Interstate Nexus Expert, S/A James T. Booth, Jr. examined the above mentioned firearms. S/A Booth determined that they were not manufactured in the State of Georgia, and therefore, affected interstate commerce.