

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

FILED-CLERK  
U.S. DISTRICT COURT  
2013 JUN 26 PM 4: 32  
TEXAS-EASTERN

UNITED STATES OF AMERICA §  
§  
V. §  
FERNANDO ARELLANO-MARTINEZ (01) §  
ORFANEL ARELLANO (02) §  
    aka "Jose Arellano" §  
HECTOR MARTINEZ-URIBE (03) §  
RAFAEL PADILLA-CARBAL (04) §  
ARMANDO HERNANDEZ-RAMIREZ (05) §  
TIODORA GONZALEZ-CAMPOS (06) §

BY \_\_\_\_\_  
CRIMINAL NO. 6:13CR 57  
JUDGE LED/JDL

SEALED

**INDICTMENT**

THE UNITED STATES GRAND JURY CHARGES:

**COUNT ONE**

Violation: 18 U.S.C. § 371  
(Conspiracy to Commit an Offense Against the  
United States)

Beginning in or about March, 2012, the exact date being unknown to the United States Grand Jury, and continuing thereafter until on or about June 3, 2012, in the Eastern District of Texas, **Fernando Arellano-Martinez, Orfanel Arellano, aka "Jose Arellano," Hector Martinez-Uribe, Rafael Padilla-Carbal, Armando Hernandez-Ramirez and Tiodora Gonzalez-Campos**, the defendants herein, did knowingly, intentionally and willfully combine, conspire, confederate, and agree with each other and with other persons

known and unknown to the United States Grand Jury, to commit the following offense against the United States, to wit:

fraudulently and knowingly exporting and attempting to export from the United States, any merchandise, article and object (including firearms) contrary to any law or regulation of the United States, or receive, conceal, buy, sell, or in any manner facilitate the transportation, concealment or sale of such merchandise, article or object, prior to exportation, knowing the same to be intended for exportation contrary to any law or regulation of the United States, in violation of 18 U.S.C. §554,

All in violation of 18 U.S.C. § 371.

**COUNT TWO**

Violation: 18 U.S.C. § 922(g)(5)(A) (Alien in Possession of a Firearm and Ammunition)

On or about March 21, 2012, in the Eastern District of Texas, the defendant,

**Fernando Arellano-Martinez**, an alien who is illegally and unlawfully in the United States, did knowingly and unlawfully possess in and affecting commerce, firearms and ammunition, to wit:

- (1) Century Arms, Incorporated (CAI), Romarm/Cugir, WASR-10, 7.62X39mm caliber rifle, serial number AP-1825-1989;
- (2) Century Arms, Incorporated (CAI), Romarm/Cugir, WASR-10, 7.62X39mm caliber rifle, serial number AP-8988-1989; and
- (3) 2 boxes of 7.62X39mm caliber rifle ammunition,

In violation of 18 U.S.C. §§ 922(g)(5)(A) and 924(a)(2).

**COUNT THREE**

Violation: 18 U.S.C. § 922(g)(1) and 924(a)(2),  
(Felon in Possession of a Firearm and  
Ammunition)

On or about March 21, 2012, in the Eastern District of Texas, the defendant,

**Fernando Arellano-Martinez**, having been convicted of offenses punishable by a term of imprisonment exceeding one year, specifically:

- (a) Possession of a Controlled Substance, a felony, in Cause Number 759110, in the 184th Judicial District Court, Harris County, Texas, on July 30, 1997; and
- (b) Re-entry of a deported alien, a felony, in Case Number 5:04CR342, in the United States District Court, Southern District of Texas, on July 12, 2004,

did knowingly and intentionally possess firearms and ammunition, to wit:

- (1) Century Arms, Incorporated (CAI), Romarm/Cugir, WASR-10, 7.62X39mm caliber rifle, serial number AP-1825-1989; and
- (2) Century Arms, Incorporated (CAI), Romarm/Cugir, WASR-10, 7.62X39mm caliber rifle, serial number AP-8988-1989,

In violation of 18 U.S.C. § 922(g)(1) and 924(a)(2).

**COUNT FOUR**

Violation: 18 U.S.C. § 922(g)(5)(A) (Alien in Possession of a Firearm)

On or about April 21, 2012, June 26, 2012, June 29, 2012, and July 10, 2012, in the Eastern District of Texas, the defendant, **Orfanel Arellano, aka "Jose Arellano,"** an alien who is illegally and unlawfully in the United States, did knowingly and unlawfully possess in and affecting commerce, firearms, to wit:

- (1) Xtreme Machining, American Tactical, 7.62X39mm rifle, serial number SAT47000-724 (6/26/12);
- (2) Century Arms Incorporated (CAI), Romarm/Cugir, WASR-10, 7.62X39mm caliber, rifle, serial number FO-2436-75 (6/29/12);
- (3) Century Arms Incorporated (CAI), Romarm/Cugir, WASR-10, 7.62X39mm caliber, rifle, serial number 1978IG1629 (7/10/12); and
- (4) Century Arms Incorporated (CAI), Romarm/Cugir, WASR-10, 7.62X39mm caliber, rifle, serial number 1986RA3105 (7/10/12),

In violation of 18 U.S.C. §§ 922(g)(5)(A) and 924(a)(2).

#### COUNT FIVE

Violation: 18 U.S.C. § 922(g)(1) and 924(a)(2),  
(Felony in possession of a firearm)

On or about June 26, 2012, June 29, 2012, and July 10, 2012, in the Eastern District of Texas, the defendant, **Orfanel Arellano, aka "Jose Arellano,"** having been convicted of offenses punishable by a term of imprisonment exceeding one year, specifically:

- (a) Possession of a Controlled Substance, a felony, in Cause Number 241-1418-04, in the 241st Judicial District Court, Smith County, Texas, on November 19, 2004; and
- (b) Delivery of a Controlled Substance, a felony, in Cause Number 241-0207-05, in the 241st Judicial District Court, Smith County, Texas, on October 26, 2007,

did knowingly and intentionally possess firearms, to wit:

- (1) Xtreme Machining, American Tactical, 7.62X39mm rifle, serial number SAT47000-724 (6/26/12);
- (2) Century Arms Incorporated (CAI), Romarm/Cugir, WASR-10, 7.62X39mm caliber, rifle, serial number FO-2436-75 (6/29/12);
- (3) Century Arms Incorporated (CAI), Romarm/Cugir, WASR-10, 7.62X39mm caliber, rifle, serial number 1978IG1629 (7/10/12); and

- (4) Century Arms Incorporated (CAI), Romarm/Cugir, WASR-10, 7.62X39mm caliber, rifle, serial number 1986RA3105 (7/10/12),

In violation of 18 U.S.C. § 922(g)(1) and 924(a)(2).

**COUNT SIX**

Violation: 18 U.S.C. § 922(g)(5)(A) (Alien in Possession of a Firearm)

On or about June 27, 2012, in the Eastern District of Texas, the defendant, **Hector Martinez-Uribe**, an alien who is illegally and unlawfully in the United States, did knowingly and unlawfully possess in and affecting commerce, firearms, to wit:

- (1) Xtreme Machining, AT-47, .223 caliber rifle, serial number SAT47000-724;
- (2) Century Arms, Incorporated (CAI) Romarm/Cugir, WASR-10, 7.62X39 mm caliber rifle, serial number 227106;
- (3) Century Arms, Incorporated (CAI) Romarm/Cugir, WASR-10, 7.62X39mm caliber rifle, serial number AB2TN102257;
- (4) Century Arms, Incorporated (CAI) Romarm/Cugir, WASR-10, 7.62X39mm caliber rifle, serial number AB208028;
- (5) Century Arms, Incorporated (CAI) Romarm/Cugir, WASR-10, 7.62X39mm caliber rifle, serial number 1985ZS5443;
- (6) Century Arms, Incorporated (CAI) Romarm/Cugir, WASR-3, .223 caliber rifle, serial number 31018605;
- (7) Colt, Match Target, .223 caliber rifle, serial number CSL006284;
- (8) Century Arms, Incorporated (CAI) Romarm/Cugir, WASR-10, 7.62X39mm caliber rifle, serial number 1402252003;
- (9) Smith and Wesson, M and P, .223 caliber rifle, serial number 53570;
- (10) Norinco, MAK 90, 7.62X39mm caliber rifle, serial number 9395752; and
- (11) D.P.M.S., AR-15, .223 caliber rifle, obliterated serial number,

In violation of 18 U.S.C. §§ 922(g)(5)(A) and 924(a)(2).

**COUNT SEVEN**

Violation: 18 U.S.C. § 922(g)(5)(A) (Alien in Possession of a Firearm)

On or about June 27, 2012, in the Eastern District of Texas, the defendant, **Rafael Padilla-Carbal**, an alien who is illegally and unlawfully in the United States, did knowingly and unlawfully possess in and affecting commerce, firearms, to wit:

- (1) Xtreme Machining, AT-47, .223 caliber rifle, serial number SAT47000-724;
- (2) Century Arms, Incorporated (CAI) Romarm/Cugir, WASR-10, 7.62X39 mm caliber rifle, serial number 227106;
- (3) Century Arms, Incorporated (CAI) Romarm/Cugir, WASR-10, 7.62X39mm caliber rifle, serial number AB2TN102257;
- (4) Century Arms, Incorporated (CAI) Romarm/Cugir, WASR-10, 7.62X39mm caliber rifle, serial number AB208028;
- (5) Century Arms, Incorporated (CAI) Romarm/Cugir, WASR-10, 7.62X39mm caliber rifle, serial number 1985ZS5443;
- (6) Century Arms, Incorporated (CAI) Romarm/Cugir, WASR-3, .223 caliber rifle, serial number 31018605;
- (7) Colt, Match Target, .223 caliber rifle, serial number CSL006284;
- (8) Century Arms, Incorporated (CAI) Romarm/Cugir, WASR-10, 7.62X39mm caliber rifle, serial number 1402252003;
- (9) Smith and Wesson, M and P, .223 caliber rifle, serial number 53570;
- (10) Norinco, MAK 90, 7.62X39mm caliber rifle, serial number 9395752; and
- (11) D.P.M.S., AR-15, .223 caliber rifle, obliterated serial number,

In violation of 18 U.S.C. §§ 922(g)(5)(A) and 924(a)(2).

**COUNT EIGHT**

Violation: 18 U.S.C. § 922(g)(5)(A) (Alien in Possession of a Firearm)

On or about March 17-18, 2012, and June 3, 2012, in the Eastern District of Texas, the defendant, **Armando Hernandez-Ramirez**, an alien who is illegally and unlawfully in the United States, did knowingly and unlawfully possess in and affecting commerce, firearms, to wit:

- (1) Century Arms, Incorporated (CAI) Romarm/Cugir, WASR-10, 7.62X39mm caliber rifle, serial number 1980LO4915 (3/17/12);
- (2) Century Arms, Incorporated (CAI) Romarm/Cugir, WASR-10, 7.62X39mm caliber rifle, serial number KMS08325 (3/17/12);
- (3) Century Arms, Incorporated (CAI) Romarm/Cugir, AKMS, 7.62X39mm caliber rifle, serial number KMS08325 (3/17/12-3/18/12);
- (4) Izhamash, Arsenal Incorporated-Las Vegas, SAIGA, 7.62X39mm caliber rifle, serial number KMS08348 (3/17/12-3/18/12);
- (5) Century Arms, Incorporated (CAI) Romarm/Cugir, WASR-10, 7.62X39mm caliber rifle, serial number 1-96671-11 (3/17/12-3/18/12);
- (6) Century Arms, Incorporated (CAI) Romarm/Cugir, WASR-10, 7.62X39mm caliber rifle, serial number 1977HE0068 (3/17/12-3/18/12);
- (7) FEG, TGI, Model AMD-65, 7.62X39mm caliber, rifle, serial number EF7551H (6/3/12);
- (8) FEG, TGI, Model AMD-65, 7.62X39mm caliber, rifle, serial number EM8157H (6/3/12); and
- (9) New Frontier Armory, L-W-15, .223 caliber, rifle, serial number NLV-02082 (3/17/12-3/18/12),

In violation of 18 U.S.C. §§ 922(g)(5)(A) and 924(a)(2).

**COUNT NINE**

Violation: 18 U.S.C. § 924(a)(1)(A) (False Statement During Purchase of Firearm)

On or about March 29, 2012, in the Eastern District of Texas, the defendant, **Tiodora Gonzalez-Campos**, knowingly made a false statement and representation to, Noonday Gun Trader, a business licensed under the provisions of Chapter 44 of Title 18, United States Code, with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Noonday Gun Trader, in that the defendant stated she was the actual transferee/buyer for, the following firearms:

- (1) Century Arms, Incorporated (CAI), Romarm/Cugir, WASR-10, 7.62X39mm caliber rifle, serial number AP-1825-1989;
- (2) Century Arms, Incorporated (CAI), Romarm/Cugir, WASR-10, 7.62X39mm caliber rifle, serial number AP-8988-1989,

when the defendant in fact was purchasing the firearms for another individual,

In violation of 18 U.S.C. § 924(a)(1)(A).

**COUNT TEN**

Violation: 18 U.S.C. § 922(d)(1)(5)(A) (Unlawful Disposal of a Firearm to a Felon/Illegal Alien)

On or about March 17, 2012, and March 21, 2012, in the Eastern District of Texas, the defendant, **Tiodora Gonzalez-Campos**, knowingly purchased for and then gave firearms to **Fernando Arellano-Martinez**, as follows:



- (1) Century Arms Incorporated (CAI), Romarm/Cugir, WASR-10, 7.62X39mm caliber rifle, serial number 1971CU4276 (3/17/12);
- (2) Century Arms Incorporated (CAI), Romarm/Cugir, WASR-10, 7.62X39mm caliber rifle, serial number 1964FG0935 (3/17/12),
- (3) Century Arms Incorporated (CAI), Romarm/Cugir, WASR-10, 7.62X39mm caliber rifle, serial number AP-1825-1989 (3/21/12); and
- (4) Century Arms Incorporated (CAI), Romarm/Cugir, WASR-10, 7.62X39mm caliber rifle, serial number AP-8988-1989 (3/21/12),

knowing and having reasonable cause to believe that **Fernando Arellano-Martinez**, having been convicted of a crime punishable by imprisonment for a term exceeding one year, was then an alien illegally and unlawfully in the United States,

In violation of 18 U.S.C. § 922(d)(1)(5)(A)

**NOTICE OF INTENT TO SEEK CRIMINAL FORFEITURE**  
**Pursuant to 18 U.S.C. §§ 924(d) and 981(a)(1)(c), & 28 U.S.C. §2461**

As the result of committing one or more of the foregoing offenses alleged in this indictment, the defendants herein shall forfeit to the United States, pursuant to 18 U.S.C. §§ 924(d) and 981(a)(1)(c), and 28 U.S.C. § 2461:

1. any property constituting, or derived from, and proceeds the defendants obtained, directly or indirectly, as the result of such violations;
2. any of the defendants' property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violations, and/or;
3. any and all firearms, ammunition and accessories seized from the defendants, including but not limited to the following:

**FIREARMS:**

- (1) Century Arms Incorporated (CAI), Romarm/Cugir, WASR-10, 7.62X39mm caliber, rifle, serial number AP-1825-1989;
- (2) Century Arms Incorporated (CAI), Romarm/Cugir, WASR-10, 7.62X39mm caliber, rifle, serial number AP-8988-1989;
- (3) Century Arms Incorporated (CAI), Romarm/Cugir, WASR-10, 7.62X39mm caliber, rifle, serial number 1971CU4276;
- (4) Century Arms Incorporated (CAI), Romarm/Cugir, WASR-10, 7.62X39mm caliber, rifle, serial number 1964FG0935;
- (5) Century Arms Incorporated (CAI), AKMS, 7.62X39mm caliber, rifle, serial number KMS08348;
- (6) Izhamash, Arsenal Incorporated-Las Vegas, Saiga, 7.62X39mm, rifle, serial number H09600400;
- (7) Century Arms Incorporated (CAI), Romarm/Cugir, WASR-10, 7.62X39mm caliber, rifle, serial number 1980LO4915;
- (8) Century Arms Incorporated (CAI), Romarm/Cugir, WASR-10, 7.62X39mm caliber, rifle, serial number KMS08325
- (9) HiPoint Firearms, Model 995, 9mm, rifle, serial number obliterated;
- (10) Harrington and Richardson, Model Topper, 12 gauge, shotgun, serial number BA576671;
- (11) Izhamash, Russian American Armory, Saiga, 7.62X39mm, rifle, serial number H08107834;
- (12) Norinco, ACT III, SKS, 7.62X39mm, rifle, serial number 011636;
- (13) Russia, NHM, SKS, 7.62X39mm, rifle, serial number TA1093
- (14) FEG, TGI, Model SA 200 M, 7.62X39mm, rifle, serial number DN0925H;
- (15) Winchester, Model 74. .22 caliber, rifle, serial number 68119;
- (16) Unknown make, model, .32 caliber, revolver, serial number 47160;
- (17) Century Arms Incorporated (CAI), Romarm/Cugir, WASR-10, 7.62X39mm caliber, rifle, serial number 1-96671-11;
- (18) Century Arms Incorporated (CAI), Romarm/Cugir, WASR-10, 7.62X39mm caliber, rifle, serial number 1977HE0068;
- (19) FEG, TGI, Model AMD-65, 7.62X39mm caliber, rifle, serial number EF7551H;
- (20) FEG, TGI, Model AMD-65, 7.62X39mm caliber, rifle, serial number EM8157H;
- (21) Xtreme Machining, AT-47, .223 caliber, rifle, serial number SAT47000-724;
- (22) Century Arms Incorporated (CAI), Romarm/Cugir, WASR-10, 7.62X39mm caliber, rifle, serial number 227106;

- (23) Century Arms Incorporated (CAI), Romarm/Cugir, WASR-10, 7.62X39mm caliber, rifle, serial number AB2TN102257;
- (24) Century Arms Incorporated (CAI), Romarm/Cugir, WASR-10, 7.62X39mm caliber, rifle, serial number AB208028;
- (25) Century Arms Incorporated (CAI), Romarm/Cugir, WASR-10, 7.62X39mm caliber, rifle, serial number 1985ZS5443;
- (26) Century Arms Incorporated (CAI), Romarm/Cugir, WASR-3, .223 caliber, rifle, serial number 31018605;
- (27) Colt, Match Target, .223 caliber, rifle, serial number CSL006284;
- (28) Century Arms Incorporated (CAI), Romarm/Cugir, WASR-10, 7.62X39mm caliber, rifle, serial number 1402252003;
- (29) Smith and Wesson, M and P, .223 caliber rifle, serial number 53570;
- (30) Norinco, Mak 90, 7.62X39mm caliber, rifle, serial number 9395752;
- (31) D.P.M.S., AR-15, .223 caliber, rifle, obliterated serial number; and
- (32) New Frontier Armory, L-W-15, .223 caliber, rifle, serial number NLV-02082.

### **CASH PROCEEDS**

\$60,000.00 in United States currency and all interest and proceeds traceable thereto, in that such sum in aggregate is proceeds obtained directly or indirectly as a result of the commission of the aforesaid violations.

### **Substitute Assets**

If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with a third person;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property, including but not limited to all property, both real and personal owned by the defendants.



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FERNANDO ARELLANO-MARTINEZ (01) §  
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TIODORA GONZALEZ-CAMPOS (06) §

**NOTICE OF PENALTY**

**COUNT ONE**

Violation: 18 U.S.C. § 371 (Conspiracy to Commit an Offense Against the United States)

Penalty: Imprisonment for a term of not more than 5 years, a fine not to exceed \$250,000, or both. A term of supervised release of not more than 3 years in addition to such term of imprisonment.

Special Assessment: \$100.00

**COUNTS TWO, FOUR, SIX, SEVEN and EIGHT**

Violation: 18 U.S.C. § 922(g)(5)(A) (Alien in Possession of a Firearm)

Penalty: Imprisonment for a term of not more than 10 years, a fine not to exceed \$250,000, or both. A term of supervised release of not more than 3 years.

Special Assessment: \$100.00

**COUNTS THREE and FIVE**

Violation: 18 U.S.C. § 922(g)(1) (Felon in possession of a firearm)

Penalty: Imprisonment for a term of not more than 10 years, a fine not to exceed \$250,000, or both. A term of supervised release of not more than 3 years in addition to such term of imprisonment.

Special Assessment: \$100.00

**COUNT NINE**

Violation: 18 U.S.C. § 922(g)(5(A) (False Statement During Purchase of a Firearm)

Penalty: Imprisonment for a term of not more than 5 years, a fine not to exceed \$250,000, or both. A term of supervised release of not more than 3 years.

Special Assessment: \$100.00

**COUNT TEN**

Violation: 18 U.S.C. § 922(d)(1)(5)(A)

Penalty: Imprisonment for a term of not more than 5 years, a fine not to exceed \$250,000, or both. A term of supervised release of not more than 3 years.

Special Assessment: \$100.00