

AO 91 (Rev. 08/09) Criminal Complaint

United States District Court
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT

SEP 12 2013

for the

Southern District of Texas

David J. Bradley, Clerk

United States of America)

v.)

-01 Oscar HUERTA CASTILLO-Mexican Citizen)
YOB 1990)

Case No. M-13-1660-M

-02 Jose HUERTA CASTILLO-Mexican Citizen)
YOB 1987)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 11, 2013 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

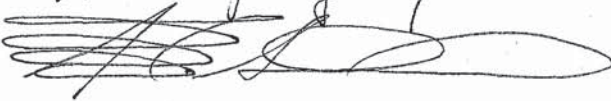
Code Section
18 U.S.C. 922(g)(5)A

Offense Description
Unlawful to possess a firearm that had previously traveled in and affected interstate commerce, while being an alien and being illegally or unlawfully in the United States.

This criminal complaint is based on these facts:

See Attachment A.

Continued on the attached sheet.

approved for filing


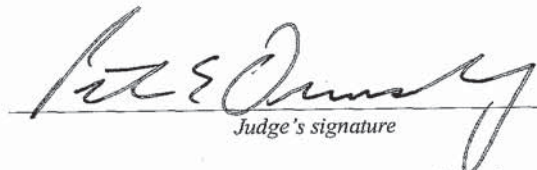


Complainant's signature

ATF Special Agent Luke Hitt
Printed name and title

Sworn to before me and signed in my presence.

Date: 09/11/2013



Judge's signature

City and state: McAllen, TX

U.S. Magistrate Judge Peter Ormsby
Printed name and title

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT
for the
Southern District of Texas

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David J. Bradley, Clerk

United States of America)
v.)
-03 Juan Baez GONZALEZ-Mexican Citizen)
YOB 1987)
_____)
Defendant(s)

Case No. M-13-1660-M

CRIMINAL COMPLAINT

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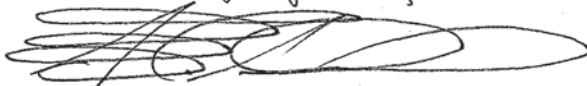
Code Section
18 U.S.C. 922(g)(5)B

Offense Description
Unlawful to possess a firearm that had previously traveled in and affected interstate commerce, while being admitted to the United States under a non-immigrant visa.

This criminal complaint is based on these facts:

See Attachment A.

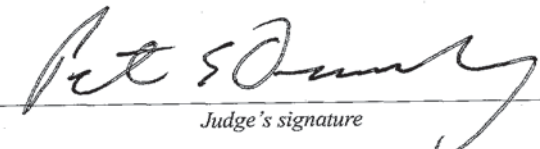
Continued on the attached sheet.

approved for filing

AUSA


Complainant's signature
ATF Special Agent Luke Hitt
Printed name and title

Sworn to before me and signed in my presence.

Date: 09/11/2013


Judge's signature
U.S. Magistrate Judge Peter Ormsby
Printed name and title

City and state: McAllen, TX

ATTACHMENT A

I, Special Agent Lawrence Hitt, affiant, do hereby depose and state the following:

1. I am a Special Agent of the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives. I have been a law enforcement officer for four years.
2. My duties include the investigation of violations of the federal firearms laws. I know it to be unlawful for any person, who is illegally in the United States, to possess a firearm that has traveled in interstate or foreign commerce.
3. On August 11, 2013, your affiant received information from a source of information (SOI) that two individuals, later identified as Oscar Huerta CASTILLO and Jose Huerta CASTILLO, were involved in trafficking firearms to Mexico.
4. On that same date, your affiant, along with other law enforcement officers, was conducting surveillance in the area of Tower Road and Sioux Road in Alamo, Texas. Your affiant saw Jose and Oscar CASTILLO standing next to a black pickup truck parked outside the residence located at 408 Lucas Court, Alamo, Texas.
5. Law enforcement personnel approached the residence and made contact with the CASTILLO brothers. Jose CASTILLO was detained, and Oscar CASTILLO attempted to flee by running north of the residence. Oscar CASTILLO was detained a short time later by ATF agents.
6. Agents searched the truck, and recovered the following items: Assorted ammunition, AK-47 type magazines, one Rock River Arms, model LAR-15, 5.56 caliber lower receiver, SN CM105579, and one Cugir, 7.62 caliber AK-47 type firearm, SN MA-15556-13 RO.

ATTACHMENT A

7. Your affiant, along with ATF Special Agent Abel Galvan, interviewed Jose CASTILLO. SA Galvan read CASTILLO his Miranda warnings, and CASTILLO waived his rights and agreed to be interviewed. CASTILLO admitted that he was a citizen of Mexico and not a permanent resident of the United States. He also admitted that he knew that he was prohibited from possessing firearms. He also acknowledged his involvement in smuggling firearms to Mexico, and said that on multiple occasions he has been paid to hide firearms in vehicles. He admitted hiding the aforementioned firearms in the pickup truck seen by your affiant.

8. SA Abel Galvan, along with ATF SA Pat Briody, interviewed Oscar CASTILLO. SA Galvan read CASTILLO his Miranda warnings, and CASTILLO waived his rights and agreed to be interviewed. CASTILLO admitted that he was a citizen of Mexico and not a permanent resident of the United States. He also admitted that he knew that he was prohibited from possessing firearms. He also acknowledged his involvement in smuggling firearms to Mexico, and said that on multiple occasions he has been paid to hide firearms in vehicles. He admitted hiding the aforementioned firearms in the pickup truck seen by your affiant.

9. On that same date, Immigration and Customs Enforcement Deportation Officer Robert Munoz interviewed both CASTILLO brothers. Oscar CASTILLO admitted that he was a citizen of Mexico and did not have any legal status to be in the United States. Officer Munoz reviewed Jose CASTILLO's personal identifiers, and determined that he had overstayed his B1/B2 visa and had no legal status to be in the United States.

10. Your affiant reviewed the markings on the aforementioned Rock River Arms firearm. Your affiant noted the words "Rock River Arms, Colona, Il" stamped on the firearm. Your affiant's training and experience has taught him that this means the firearm was manufactured by Rock River Arms, in Colona, Il, and would have traveled in interstate or foreign commerce if found in the state of Texas.


ATTACHMENT A

11. On that same date, your affiant, along with other law enforcement personnel, was conducting surveillance on the residence located at 3008 Highland, McAllen, TX. Your affiant and SA Galvan made contact with Juan Baez GONZALEZ, who resides at that address in apartment 2. GONZALEZ gave SA Galvan consent to search the residence, and showed agents where he had a large quantity of ammunition stored in his closet.

12. SA Galvan and HSI Special Agent Barrett McDaniel interviewed GONZALEZ. SA Galvan read GONZALEZ his Miranda warnings and GONZALEZ agreed to be interviewed. GONZALEZ admitted to storing the ammunition in his residence, and that he knew that it was going to be smuggled to Mexico. He also admitted to storing the aforementioned firearms that were recovered from the CASTILLO brothers.

13. On that same date, Immigration and Customs Enforcement Deportation Officer Robert Munoz reviewed GONZALEZ's personal identifiers. Munoz determined that GONZALEZ was in the United States on a B1/B2 visa and does not have permission to permanently live in the United States.

14. Your affiant examined a large box of ammunition that was found in GONZALEZ's closet. This box contained a large quantity of smaller boxes of TulAmmo 7.62X39 mm ammunition. Your affiant observed the words "Made in Russia" on the side of the box. Your affiant's training and experience has led him to believe that this means the ammunition would have traveled in interstate commerce if found in the state of Texas.


ATF Special Agent Luke Hitt

Sworn to before me and subscribed in my presence,


U.S. Magistrate Judge Peter Ormsby

09/11/2013
