

**SEALED**

SEALED DOCUMENT PURSUANT  
TO E-GOVERNMENT ACT OF 2002

United States District Court  
WESTERN DISTRICT OF TEXAS

Filed 9/21/2007  
Clerk, U. S. District Court  
Western District of Texas

UNITED STATES OF AMERICA  
V.  
Ernesto GARZA

(Name and Address of Defendant)

By [Signature]  
**CRIMINAL COMPLAINT**  
Deputy

CASE NUMBER: SA-07-610M

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 August 8, 2007, in Bexar County, in the Western District of Texas, defendant did conspire with one or more persons to knowingly make false statements, oral or written, to obtain firearms with intent to deceive the Federal Firearms Licensee in violation of Title 18 United States Code, Section(s) 922(g)(6) and 371.

I further state that I am a(n) Special Agent, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and that this complaint is based on the following facts: See attached AFFIDAVIT.

Continued on the attached sheet and made part hereof:  Yes  No

Signature of Complainant [Signature]

Sworn to before me and subscribed in my presence,

09/20/07  
Date

San Antonio, Texas

at City and State

U.S. Magistrate Judge

Name and Title of Judicial Officer

[Signature]  
Signature of Judicial Officer

## AFFIDAVIT

Your affiant, being duly sworn does depose and say:

1. That your affiant is currently employed as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) have been so employed for more than five years. That during the past three years I have conducted and participated in dozens of investigations concerning persons in violation of Federal firearms laws, specifically for a person to conspire with one or more persons to knowingly making false statements oral or written to obtain firearms with the intent to deceive the Federal Firearms Licensee in violation of Title 18 USC 922 (a)6) and Title 18 USC 371.
2. In August, 2007, your affiant began an investigation involving firearms trafficking by several individuals, including Jacob GARCIA, (W/M, DOB: [REDACTED]), hereinafter referred to as GARCIA) and Ernesto GARZA, (W/M, DOB [REDACTED]), hereinafter referred to as GARZA). On August 27, 2007, your affiant interviewed Valarie Palafof (W/F DOB [REDACTED]) in connection with this investigation. Ms. Palafof stated she has known GARCIA for several years as a friend. Ms. Palafof said that she was approached by GARCIA in August and asked to purchase firearms for him and for a person named Ernesto, subsequently identified as GARZA. Ms. Palafof stated she was offered \$150.00 per firearm she purchased.
3. On August 8, 2007, Ms. Palafof stated she purchased one firearm from Drury's Gun Store in San Antonio, Texas. Ms. Palafof said that GARCIA told her to purchase only FN pistols or rifles and GARCIA went into Drury's Gun Store with her and pointed out which gun to buy. On August 09, 2007, Ms. Palafof picked up another firearm at Drury's Gun Store which had been ordered on August 08, 2007 during the first purchase. She stated that during these purchases GARCIA and GARZA waited in the Drury's Gun Store parking lot in a silver Jeep (1998 Jeep Cherokee Texas LP [REDACTED]) that GARZA drove. Ms. Palafof stated GARZA gave the money to GARCIA to give to her while they were seated in the Jeep Cherokee in this parking lot. After the purchases, Ms. Palafof took the firearms back to the Jeep Cherokee and handed them to GARCIA and GARZA. Ms. Palafof stated she was paid \$150.00 in cash for each purchase. Ms. Palafof stated she gave GARZA and GARCIA the receipts for the purchases. Ms. Palafof positively identified a photo of Ernesto GARZA and Jacob GARCIA.
4. On August 11, 2007, Ms. Palafof stated she was taken to the Live Oak Civic Center during the gun show and purchased a FN firearm for GARCIA. GARCIA went into the Gun Show with Ms. Palafof and pointed out the particular firearm to buy. Ms.

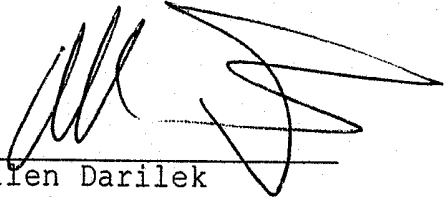
Palafos stated she gave the purchased firearm to GARCIA and GARZA. She was paid \$150.00 in cash by GARZA. Ms. Palafos further stated when she purchased this firearm, GARZA showed her at least 10 other firearms in the back of his Jeep Cherokee that had been purchased by other people. Ms. Palafos stated all of the firearms in the back of GARZA's Jeep Cherokee appeared to be FN pistols just like the ones she had been buying.

5. In August 2007 Ms. Palafos stated she also purchased one firearm for GARZA at Cabela's in Buda, Texas and was paid \$150.00 in cash by GARZA. Ms. Palafos stated GARZA and another unknown female went into Cabela's with her and GARZA pointed out which gun to purchase.
6. Ms. Palafos stated that after ATF originally contacted her on August 2007, she immediately called GARCIA and asked to get the firearms she purchased returned to her so that ATF could see them. Ms. Palafos stated she went to GARCIA's apartment, [REDACTED] San Antonio, Texas, and he gave her a FN rifle that she purchased from Drury's Gun Shop and a FN pistol that she had allegedly purchased. Ms. Palafos also stated GARCIA told her not to worry he had other individuals that were purchasing firearms for them and they had not gotten into any trouble. ATF subsequently retrieved this FN pistol and this FN rifle from Ms. Palafos.
7. On September 04, 2007, Jacob GARCIA contacted Ms. Palafos by telephone to tell her about another firearm he wanted to return to her so that ATF could also see it. On this date GARCIA met Ms. Palafos at a car wash on Castroville Road and returned an FN, Model Five-Seven, 5.7X28 caliber pistol, serial number 386123073 to her. During this meeting GARCIA asked Ms. Palafos for a serial number of another firearm that she purchased for him and GARZA so that he could retrieve the correct firearm from Mexico. There is an audio recording of this meeting recorded by ATF Special Agents.
8. On September 06, 2007, your affiant interviewed Gabriann Gomez regarding her purchases of an FN, Model Five-Seven, 5.7X28 caliber pistol, serial number 3861146747 and an FN, Model Five-Seven, 5.7X28 caliber pistol, serial number 386146748. Ms. Gomez purchased the above listed firearms at the Live Oak Gun Show on August 11, 2007 from "A Girls Gun, LLC" (FFL #57401979). Ms. Gomez stated she was introduced to GARCIA and GARZA by her friend Valarie Palafos. Ms. Gomez stated that her friend Valarie went to the gun show with GARCIA and Ernesto GARZA. Ms. GOMEZ stated GARZA accompanied her while in the gun show and pointed out which guns to buy and gave her the money to buy the above listed firearms. Ms. Gomez further stated she was paid \$300.00 in cash for purchasing the firearms for Ernesto GARZA.
9. During the interview with Ms. Gomez she also stated that during August 2007 she went to a hotel room at the Intown

Suites on San Pedro in San Antonio, Texas where Ernesto GARZA was staying. Ms. Gomez stated she saw at least two bags of money and three cell phones in GARZA's hotel room. Ms. Gomez positively identified a photo of Ernesto GARZA and Jacob GARCIA.

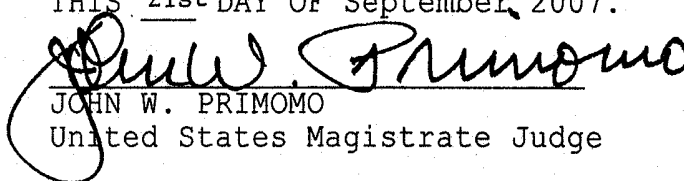
10. Your affiant obtained copies of the Firearm Transaction Records, ATF Form 4473, From Federal Firearms Licensee (FFL) Drury's Gun Shop, San Antonio, Texas, in reference to Valarie Palafo's August 08 and 09, 2007 purchases of firearms. Your affiant knows that Drury's Gun Shop holds a valid FFL. Your affiant examined the forms and confirmed through interviews that Ms. Palafo falsified her answer to question 11(a): "Are you the Actual buyer of the firearm listed on this form?". Ms. Palafo answered "yes" to this question when she was actually being paid by GARZA and GARCIA to purchase the firearms for them.
11. Your affiant obtained copies of the Firearm Transaction Record, ATF Form 4473, from Federal Firearms Licensee, "A Girls Guns, LLC, regarding Gabriann Gomez' August 11, 2007 firearms purchases. Your affiant knows that A Girls Guns, LLC holds a valid FFL. Your affiant examined the form and confirmed through interviews that Gomez falsified her answer to question 11(a): "Are you the actual buyer of the firearm listed on this form?". Ms. Gomez answered "yes" to this question when she was actually being paid by GARZA to purchase the firearms for him.
12. On September 18, 2007, your affiant interviewed GARCIA. GARCIA was advised that he would be federally prosecuted for conspiring with other persons to falsify forms during the purchase of firearms. GARCIA was cooperative and provided a sworn written statement. GARCIA confirmed all the information mentioned in this affidavit. GARCIA stated that he has known Ernesto GARZA since July 2007 when a friend of his, Jorge NAVARRO, (W/M DOB [REDACTED]), introduced GARCIA to GARZA. GARCIA stated that NAVARRO told him he had been purchasing firearms for GARZA. GARCIA stated that GARZA is a Mexican national who has different individuals purchasing firearms in San Antonio for him. He arranges for their transport into Mexico where he trades the firearms for kilos of cocaine and then transports the kilos into San Antonio, Texas. GARCIA stated that he had approximately seven people who had been buying guns for him and GARZA. GARCIA confirmed that GARZA drove a silver Jeep Cherokee. GARCIA positively identified a photograph of GARZA.
13. Based upon the above-mentioned information, I believe that Jacob GARCIA and Ernesto GARZA conspired with Valarie PALAFOS, Gabriann Gomez and others to falsify Firearm Transaction Records, ATF Form 4473, in order to purchase firearms with the intent to deceive the Federal Firearms Licensee in violation of title 18, USC, 371 and Title 18 USC 922 (a)(6). Furthermore, I believe that probable cause exists for the

issuance of an arrest warrant for Jacob GARCIA and Ernesto GARZA.

  
Allen Darilek  
Special Agent, Bureau of  
Alcohol, Tobacco and Firearms

SUBSCRIBED AND SWORN TO BEFORE ME

THIS 21st DAY OF September, 2007.

  
JOHN W. PRIMOMO  
United States Magistrate Judge