

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FILED

2007 NOV 14 P 1:19

CLERK, US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY [Signature] DEPUTY

UNITED STATES OF AMERICA,

Plaintiff,

CRIMINAL NO. SA-07-CR

INDICTMENT

VS.

ERNESTO GARZA (1),
JACOB GARCIA(2),
JORGE NAVARRO(3), and
RENE RODRIGUEZ (4),

Defendants.

[Vio: 18 U.S.C. § 371 and § 922 (a) (6)
Conspiracy to Obtain Firearms by False
Statement during Firearms Purchase -
Count 1;
Vio: 18 U.S.C. § 922 (a) (6) - False Statement
during Firearms Purchase - Counts 2-7].

SA07CR667 RF

THE GRAND JURY CHARGES:

COUNT ONE

[18 U.S.C. § § 371 and 922 (a)(6)]

That beginning on or about the 28th day of April, 2007, and continuing through and including September 8, 2007, within the Western District of Texas, the Defendants,

ERNESTO GARZA, JACOB GARCIA, JORGE NAVARRO AND RENE RODRIGUEZ,
did knowingly and willfully combine, conspire, confederate and agree with others known to the Grand Jury to commit an offense against the United States, namely: they conspired to obtain firearms, to wit: Glock pistols, FN 57 caliber pistols and FNH PS90 rifles, by making false statements during firearms purchases, in violation of Title 18 United States Code, § 922(a)(6), all in violation of Title 18 United States Code § 371.

THE MANNER AND MEANS OF THE CONSPIRACY

It was a part of the conspiracy that Defendants Jorge Navarro, Rene Rodriguez, and their co-conspirators, would purchase firearms from licensed firearms dealers in and around San Antonio, Texas within the Western District of Texas;

It was further part of the conspiracy that Defendants Jacob Garcia, Jorge Navarro, Rene Rodriguez and their co-conspirators would transport the purchased firearms to Defendant Ernesto Garza and be paid a fee for doing so.

OVERT ACTS

In furtherance of the aforesaid conspiracy and to effect and accomplish the objects thereof, the Defendants performed the following overt acts:

1. On or about April 28, 2007, in the Western District of Texas, Defendant Rene Rodriguez, did in connection with his acquisition of two (2) firearms, namely: two FN 57 pistols, serial numbers 386140338 and 386140837, from Double R Gun Shop, a licensed firearms dealer, knowingly make a false and fictitious written statement to Double R Gun Shop, in that Defendant Rodriguez represented that he was the actual buyer of the firearm listed on the form, when in truth and in fact, as Defendant Rodriguez then knew he was buying the firearm for another individual, namely, Defendant Ernesto Garza.
2. On or about July 6, 2007, in the Western District of Texas, Defendant Jacob Garcia received cash to purchase firearms from Defendant Ernesto Garza and he then gave the cash to a co-conspirator to make the purchase of two FN 57 pistols, serial numbers 386146617 and 386112119, from Nagel's Gun Store. Defendant, Ernesto Garza, did pay the co-conspirator a fee for this purchase and Defendant Ernesto Garza then took possession of these pistols.
3. On or about July 6, 2007, in the Western District of Texas, the Defendant, Jorge Navarro, did in connection with his acquisition of three (3) firearms, namely: one FN 57 pistol, serial number 386101857 and two FNH PS90 rifles, serial numbers FN045561 and FN047845 from Dury's Gun Shop, a licensed firearms dealer, knowingly make a false and fictitious written statement to Dury's Gun Shop, in that Defendant Navarro represented that he was the actual buyer of the firearms listed on the form, when in truth and in fact, as the Defendant then knew he was buying the firearms for another individual, namely, Defendant Ernesto Garza.
4. On or about July 13, 2007, in the Western District of Texas, Defendant Jacob Garcia accompanied a co-conspirator to purchase a firearm for Defendant, Ernesto Garza, who paid this co-conspirator a fee for the purchase of one FNH PS90 rifle, serial number FN051710, from Dury's Gun Shop. Defendant Ernesto Garza then took possession of the firearm from Defendant Jacob Garcia.
5. On or about July 29, 2007, in the Western District of Texas, the Defendant, Rene Rodriguez, did in connection with his acquisition of one (1) firearm, namely: one Glock Model 32, .357 pistol, serial number KUK520, from Bass Pro Shops, a licensed firearms dealer, knowingly make a false and fictitious written statement to Bass Pro Shops, in that Defendant Rodriguez represented that he was the actual buyer of the firearm listed on the form, when in truth

and in fact, as the Defendant then knew he was buying the firearm for another individual, namely, Defendant Ernesto Garza.

6. On or about July 31, 2007, in the Western District of Texas, the Defendant, Jorge Navarro, did in connection with his acquisition of two (2) firearms, namely: two FNH 57 pistols, serial numbers 386140888 and 386140898, from Firearms Training Plus, a licensed firearms dealer, knowingly make a false and fictitious written statement to Firearms Training Plus, in that Defendant Navarro represented that he was the actual buyer of the firearms listed on the form, when in truth and in fact, as the Defendant then knew he was buying the firearms for another individual, namely, Defendant Ernesto Garza.
7. On or about August 3, 2007, in the Western District of Texas, Defendant, Jacob Garcia, did pay a co-conspirator a fee to purchase two FN 57 pistols, serial numbers 386140889 and 386140890; and one Glock 632 pistol, serial number KZG029 from Firearms Training Plus. Defendant Jacob Garcia then took possession of the firearms.
8. On or about August 8, 2007, in the Western District of Texas, Defendant, Ernesto Garza, did pay a co-conspirator a fee to purchase one FNH 57 pistol, serial number 386127537 and one FNH PS90 rifle, serial number FN056850 from Dury's Gun Shop. Defendants Jacob Garcia and Ernesto Garza then took possession of these firearms.
9. On or about August 9, 2007, in the Western District of Texas, the Defendant, Jorge Navarro, did in connection with his acquisition of two (2) firearms, namely: two FNH PS90 rifles, serial numbers SN053456 and FN053452 from Don's Gun Shop, a licensed firearms dealer, knowingly make a false and fictitious written statement to Don's Gun Shop, in that Defendant Navarro represented that he was the actual buyer of the firearms listed on the form, when in truth and in fact, as the Defendant then knew he was buying the firearms for another individual, namely, Defendant Ernesto Garza.
10. On or about August 10, 2007, in the Western District of Texas, Defendant, Ernesto Garza, did pay co-conspirators a fee to purchase two FNH 57 pistols, serial numbers 386147236 and 386149724, from Cabela's. Defendant Ernesto Garza then took possession of these pistols.
11. On or about August 11, 2007, in the Western District of Texas, Defendant, Ernesto Garza, did pay co-conspirators a fee to purchase two FN 57 pistols, serial numbers 386146747 and 386146748 from a licensed firearms dealer, A Texas Girl's Guns. Defendant Ernesto Garza then took possession of these pistols.
12. On or about August 14, 2007, in the Western District of Texas, Defendant

Rene Rodriguez, did in connection with his acquisition of one (1) firearm, namely, one FN 57 pistol, serial number 386123073, from Ho's Guns, a licensed firearms dealer, knowingly make false and fictitious written statements to Ho's Guns, in that the defendant represented that he was the actual buyer of the firearm listed on the form, when in truth and in fact, as the Defendant then knew he was buying the firearm for another individual, namely, Defendant Ernesto Garza.

13. On or about September 8, 2007, in the Western District of Texas, Defendant, Ernesto Garza, did pay co-conspirators a fee to purchase four FNH 57 pistols, serial numbers 386140596, 386140186, 386150571 and 386140586, from Bass Pro Shops. Defendant Jacob Garcia received the purchased firearms from the co-conspirators and transferred them to Defendant Ernesto Garza.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO
[18 U.S.C. § 922 (a)(6)]

That on or about the 6th day of July, 2007, within the Western District of Texas, the Defendant,

JORGE NAVARRO,

in connection with his acquisition of three (3) firearms, namely, one FN 57 pistol, serial number 386101857, and two FNH PS90 rifles, serial numbers FN045561 and FN047845, from Dury's Gun Shop, a licensed firearms dealer, knowingly made false and fictitious written statements to Dury's Gun Shop, which statements were likely to deceive Dury's Gun Shop, as to facts material to the lawfulness of such acquisition of the said firearm to the defendant under Chapter 44 of Title 18, in that the defendant represented that he was the actual buyer of the firearm listed on the form, when in truth and in fact, as the Defendant then knew he was buying the firearm for another individual, in violation of Title 18, United States Code, Section 922 (a) (6).

COUNT THREE
[18 U.S.C. § 922 (a)(6)]

That on or about the 31st day of July, 2007, within the Western District of Texas, the Defendant,

JORGE NAVARRO,

in connection with his acquisition of two (2) firearms, namely, two FNH 57 pistols, serial numbers 386140888 and 386140898, from Firearms Training Plus, a licensed firearms dealer, knowingly made

false and fictitious written statements to Firearms Training Plus, which statements were likely to deceive Firearms Training Plus as to facts material to the lawfulness of such acquisition of the said firearm to the defendant under Chapter 44 of Title 18, in that the defendant represented that he was the actual buyer of the firearm listed on the form, when in truth and in fact, as the Defendant then knew he was buying the firearm for another individual, in violation of Title 18, United States Code, Section 922 (a) (6).

COUNT FOUR
[18 U.S.C. § 922 (a)(6)]

That on or about the 9th day of August, 2007, within the Western District of Texas, the Defendant,

JORGE NAVARRO,

in connection with his acquisition of two (2) firearms, namely, two FNH PS90 rifles, serial numbers SN053456 and FN053452, from Don's Gun Shop, a licensed firearms dealer, knowingly made false and fictitious written statements to Don's Gun Shop, which statements were likely to deceive Don's Gun Shop, as to facts material to the lawfulness of such acquisition of the said firearm to the defendant under Chapter 44 of Title 18, in that the defendant represented that he was the actual buyer of the firearm listed on the form, when in truth and in fact, as the Defendant then knew he was buying the firearm for another individual, in violation of Title 18, United States Code, Section 922 (a) (6).

COUNT FIVE
[18 U.S.C. § 922 (a)(6)]

That on or about the 28th day of April, 2007, within the Western District of Texas, the Defendant,

RENE RODRIGUEZ,

in connection with his acquisition of two (2) firearms, namely, two FN 57 pistols, serial numbers 386140338 and 386140837, from Double R Gun Shop, a licensed firearms dealer, knowingly made false and fictitious written statements to Double R Gun Shop, which statements were likely to deceive Double R Gun Shop, as to facts material to the lawfulness of such acquisition of the said firearms to the defendant under Chapter 44 of Title 18, in that the defendant represented that he was the actual buyer of

the firearms listed on the form, when in truth and in fact, as the Defendant then knew he was buying the firearms for another individual, in violation of Title 18, United States Code, Section 922 (a) (6).

COUNT SIX
[18 U.S.C. § 922 (a)(6)]

That on or about the 29th day of July, 2007, within the Western District of Texas, the Defendant,

RENE RODRIGUEZ,

in connection with his acquisition of one (1) firearm, namely, a Glock, Model 32, .357 pistol, serial number KUK520 from Bass Pro Shops, a licensed firearms dealer, knowingly made false and fictitious written statements to Bass Pro Shops, which statements were likely to deceive Bass Pro Shops as to facts material to the lawfulness of such acquisition of the said firearm to the defendant under Chapter 44 of Title 18, in that the defendant represented that he was the actual buyer of the firearm listed on the form, when in truth and in fact, as the Defendant then knew he was buying the firearm for another individual, in violation of Title 18, United States Code, Section 922 (a) (6).

COUNT SEVEN
[18 U.S.C. § 922 (a)(6)]

That on or about the 14th day of August, 2007, within the Western District of Texas, the

Defendant,

RENE RODRIGUEZ,

in connection with his acquisition of one (1) firearm, namely, one FN 57 pistol, serial number 386123073, from Ho's Guns, a licensed firearms dealer, knowingly made false and fictitious written statements to Ho's Guns, which statements were likely to deceive Ho's Guns, as to facts material to the lawfulness of such acquisition of the said firearm to the defendant under Chapter 44 of Title 18, in that the defendant represented that he was the actual buyer of the firearm listed on the form, when in truth and in fact, as the Defendant then knew he was buying the firearm for another individual, in violation of Title 18, United States Code, Section 922 (a) (6).

A TRUE BILL.

[REDACTED]
PERSON OF THE GRAND JURY

JOHNNY SUTTON
UNITED STATES ATTORNEY

BY: Mary Nelda Valadez
MARY NELDA VALADEZ
Assistant U.S. Attorney