

**FILED**

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS

MAY 14 2008  
CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY DEPUTY CLERK

UNITED STATES OF AMERICA,

Plaintiff,

V.

JUAN CARLOS MEZA, and  
ROBERTO MARQUEZ,

Defendants.

) CRIMINAL NO. EP-08-CR-1323-PRM

) INDICTMENT

)  
) Vio: CT 1 -18:371 - Conspiracy;  
) 18:922(a)(6)-False Statement During  
) Purchase of Firearms  
) CTS 2-5 - 18:922(a)(6) - False Statement  
) During Purchase of Firearms;  
) CT 6- 18:371 - Conspiracy;  
) 18:554 - Smuggling Goods from the United  
) States

THE GRAND JURY CHARGES:

COUNT ONE

(18 U.S.C. Sec. 371, & 18 U.S.C. 922(a)(6))

Beginning on or about September 1, 2006 and continuing until on or about December 11, 2006, in the Western District of Texas and elsewhere, **JUAN CARLOS MEZA** and **ROBERTO MARQUEZ** entered into a scheme to purchase multiple firearms in the Western District of Texas and then export them from the United States of America (hereinafter United States) to the Republic of Mexico that were selected and paid for by persons who lived in the Republic of Mexico and could not legally purchase firearms in the United States. **JUAN CARLOS MEZA** is a citizen and national of Mexico who during the course of the conspiracy alleged was a permanent legal resident alien residing in the United States who could legally purchase firearms in the United States provided he was the actual purchaser. **ROBERTO MARQUEZ** is a citizen of the United States and could also legally purchase firearms for himself. **JUAN CARLOS MEZA** and **ROBERTO MARQUEZ** were then recruited by persons known and unknown to the Grand Jury to purchase pre-selected firearms for them; with funds they provided, and then instructed that after **JUAN CARLOS MEZA**

and **ROBERTO MARQUEZ** completed the required federal firearms law paperwork and took possession of the firearms, **JUAN CARLOS MEZA and ROBERTO MARQUEZ** would then illegally export the firearms to the Republic of Mexico and transfer them to the persons known and unknown. These transactions are known as "straw purchases". A classic straw purchaser case arises when the true purchaser, who is ineligible to lawfully purchase the firearm, solicits a middleman to conduct the transaction at his own behest and occurs anytime someone purchases a firearm for someone else other than as a gift. ATF Form 4473, which is a document firearms purchasers must complete when purchasing a firearm from a federally licensed firearms dealer explains the prohibition against straw purchases. The persons known and unknown to the Grand Jury paid **JUAN CARLOS MEZA and ROBERTO MARQUEZ** who where willing straw purchasers a fee for assisting them to acquire firearms.

During the course of the conspiracy, **JUAN CARLOS MEZA and ROBERTO MARQUEZ**, purchased a total of at least nineteen (19) firearms that were selected by, and paid for with funds provided by the persons known and unknown to the Grand Jury, with **JUAN CARLOS MEZA and ROBERTO MARQUEZ** acting as straw purchasers and completing the required paperwork to the federal licensed firearms dealer in the same manner as set forth herein. **JUAN CARLOS MEZA and ROBERTO MARQUEZ** would also then facilitate the export of the firearms from the United Sates to the Republic of Mexico, and in some case even export the firearms personally.

Beginning on or about September 1, 2006, and continuing to on or about December 11, 2006, in the Western District of Texas, and elsewhere, Defendants,

**JUAN CARLOS MEZA and ROBERTO MARQUEZ,**

knowingly, intentionally, and unlawfully conspired, combined, confederated, and agreed together, and with each other, and with others to the Grand Jury known and unknown, to commit offenses against the United States, in violation of Title 18, United States Code, Section 371, that is to say, they, in connection with the acquisition of firearms from a federally licensed firearms dealer, knowingly made or induced others to make materially false and fictitious written statements to a federally licensed firearms dealer, which statements were likely to deceive the federally licensed firearms dealer, as to a material fact related to the lawfulness of such acquisition of said firearm by the defendants under Chapter 44 of Title 18, in that the defendants provided or induced others to provide false information about who was the true purchaser of the firearm, knowing the information was false, and knowing that the true purchaser of the firearm was a person who could not lawfully purchase a firearm, all in violation of Title 18, United States Code, Section 922(a)(6).

#### OVERT ACTS

In furtherance of the conspiracy, and to effect the objects thereof, at least one of the co-conspirators herein committed one or more of the following overt acts, among others, in the Western District of Texas, and elsewhere:

1. On September 1, 2006, JUAN CARLOS MEZA (hereafter "MEZA") purchased a firearm; to-wit a Springfield Armory, Model SOCOM II (M1A), .308 caliber rifle, serial number 189955 from a licensed federal firearms dealer, Kirk's Gun Shop, 3333-F Yarbrough, El Paso, Texas, [REDACTED] with U.S. currency provided by persons known and unknown to the Grand Jury. At the time of the purchase, MEZA made a material representation to the FFL that he was the actual purchaser of the firearm.
2. On September 1, 2006, MEZA purchased a firearm; to-wit a CZ, Model 550, .458 caliber rifle, serial number K0362 from a licensed federal firearms dealer, Kirk's Gun Shop, 3333-F Yarbrough, El Paso, Texas, [REDACTED] with U.S. currency provided by persons known and unknown to the Grand Jury. At the time of the purchase, MEZA made a material representation to the FFL that he was the actual purchaser of the firearm.

3. On September 2, 2006, **MEZA** purchased a firearm; to-wit a Olympic Arms, Model A1, .223 caliber rifle, serial number TB3540 from a licensed federal firearms dealer, Kirk's Gun Shop, 3333-F Yarbrough, El Paso, Texas, [REDACTED] with U.S. currency provided by persons known and unknown to the Grand Jury. At the time of the purchase, **MEZA** made a material representation to the FFL that he was the actual purchaser of the firearm.
4. On September 2, 2006, **MEZA** purchased a firearm; to-wit a Olympic Arms, Model A1, .223 caliber rifle, serial number TB3456 from a licensed federal firearms dealer, Kirk's Gun Shop, 3333-F Yarbrough, El Paso, Texas, [REDACTED] with U.S. currency provided by persons known and unknown to the Grand Jury. At the time of the purchase, **MEZA** made a material representation to the FFL that he was the actual purchaser of the firearm.
5. On September 2, 2006, **MEZA** purchased a firearm; to-wit a Beretta, Model PX4, 9 millimeter pistol, serial number PX15814 from a licensed federal firearms dealer, Kirk's Gun Shop, 3333-F Yarbrough, El Paso, Texas, [REDACTED] with U.S. currency provided by persons known and unknown to the Grand Jury. At the time of the purchase, **MEZA** made a material representation to the FFL that he was the actual purchaser of the firearm.
6. On November 30, **Roberto MARQUEZ** (hereafter "**MARQUEZ**") purchased a firearm; to-wit a Century Arms, Model M70AB2, 7.62 caliber rifle, serial number M70AB00491 from a licensed federal firearms dealer, Collector's Gun Exchange, 7126 North Mesa, El Paso, Texas, [REDACTED] with U.S. currency provided by persons known and unknown to the Grand Jury. At the time of the purchase, **MARQUEZ** made a material representation to the FFL that he was the actual purchaser of the firearm.
7. On December 4, 2006, **MARQUEZ** purchased a firearm; to-wit a Alexander Arms, Model Beowolf, .50 Beowolf caliber rifle, serial number CM11796 from a licensed federal firearms dealer, Kirk's Gun Shop, 3333-F Yarbrough, El Paso, Texas, [REDACTED] with U.S. currency provided by persons known and unknown to the Grand Jury. At the time of the purchase, **MARQUEZ** made a material representation to the FFL that he was the actual purchaser of the firearm.
8. On December 5, 2006, **MARQUEZ** purchased a firearm; to-wit a Century International Arms, Model WASR-10, 7.62 caliber rifle, serial number RE-0505-86 from a licensed federal firearms dealer, Chuy's Gun Shop, 10342 Grouse, El Paso, Texas, [REDACTED] with U.S. currency provided by persons known and unknown to the Grand Jury. At the time of the purchase, **MARQUEZ** made a material representation to the FFL that he was the actual purchaser of the firearm.

9. On December 6, 2006, **MEZA** purchased a firearm; to-wit a FN Herstal, Model Five-Seven, 5.7 caliber pistol, serial number 386127423 from a licensed federal firearms dealer, Kirk's Gun Shop, 3333-F Yarbrough, El Paso, Texas, [REDACTED] with U.S. currency provided by persons known and unknown to the Grand Jury. At the time of the purchase, **MEZA** made a material representation to the FFL that he was the actual purchaser of the firearm.
10. On December 8, 2006, **MEZA** purchased a firearm; to-wit a FN Herstal, Model Five-Seven, 5.7 caliber pistol, serial number 386121797 from a licensed federal firearms dealer, Collector's Gun Exchange, 7126 North Mesa, El Paso, Texas, [REDACTED] with U.S. currency provided by persons known and unknown to the Grand Jury. At the time of the purchase, **MEZA** made a material representation to the FFL that he was the actual purchaser of the firearm
11. On December 8, 2006, **MEZA** purchased a firearm; to-wit a FN Herstal, Model Five-Seven, 5.7 caliber pistol, serial number 386122423 from a licensed federal firearms dealer, Collector's Gun Exchange, 7126 North Mesa, El Paso, Texas, [REDACTED] with U.S. currency provided by persons known and unknown to the Grand Jury. At the time of the purchase, **MEZA** made a material representation to the FFL that he was the actual purchaser of the firearm.
12. On December 9, 2006, **MARQUEZ** purchased a firearm; to-wit a Springfield Armory, Model SOCOM II, .308 caliber rifle, serial number 190779 from a licensed federal firearms dealer, Collector's Gun Exchange, 7126 North Mesa, El Paso, Texas, [REDACTED] with U.S. currency provided by persons known and unknown to the Grand Jury. At the time of the purchase, **MARQUEZ** made a material representation to the FFL that he was the actual purchaser of the firearm.
13. On December 11, 2006, **MEZA** purchased a firearm; to-wit a Steyr, Model M9-A1, 9 millimeter pistol, serial number 048750 from a licensed federal firearms dealer, Collector's Gun Exchange, 7126 North Mesa, El Paso, Texas, [REDACTED] with U.S. currency provided by persons known and unknown to the Grand Jury. At the time of the purchase, **MARQUEZ** made a material representation to the FFL that he was the actual purchaser of the firearm

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

**COUNT TWO**

(18 U.S.C. §§ 922(a)(6), 924 (a)(2))

That on or about September 1, 2006 in the Western District of Texas, Defendant,

**JUAN CARLOS MEZA,**

in connection with his acquisition of a firearm, namely, a Springfield Model SOCOM II (M1A), 7.62 caliber rifle, serial number 189955; and a CZ, Model 550, .458 caliber rifle, serial number K0362, and a Ruger, Model P930, 9 millimeter pistol, serial number 306-22559, all from Kirk's Gun Shop, 3333-F Yarbrough, El Paso, Texas, [REDACTED], a federally licensed firearms dealer, knowingly made a false and fictitious written statement to Kirk's Gun Shop, which statement was likely to deceive Kirk's Gun Shop, as to a material fact to the lawfulness of such acquisition of said firearm by the defendant under Chapter 44 of Title 18, in that the defendant provided a false response to Question Number 12a on the ATF Form 4473 when he answered "Yes" indicating that he was the actual purchaser of the firearm, knowing the information was false, in violation of Title 18, United States Code, Section 922(a)(6).

**COUNT THREE**

(18 U.S.C. §§ 922(a)(6), 924 (a)(2))

That on or about December 8, 2006 in the Western District of Texas, Defendant,

**JUAN CARLOS MEZA,**

in connection with his acquisition of a firearm, namely, a FN Herstal, Model Five Seven, 5.7 caliber pistol, serial number 386121797; and a FN Herstal, Model Five Seven, 5.7 caliber pistol, serial number 386122423, and a Taurus, Model PT99, 9 millimeter pistol, serial number L79917, all from Collector's Gun Exchange, 7126 North Mesa, El Paso, Texas, ([REDACTED]), a federally licensed firearms dealer, knowingly made a false and fictitious written statement to Collector's Gun Exchange, which statement was likely to deceive Collector's Gun Exchange, as to a material fact to the lawfulness of such acquisition of said firearm by the defendant under Chapter 44 of Title 18, in that the defendant provided a false response to Question Number 12a on the ATF

Form 4473 when he answered "Yes" indicating that he was the actual purchaser of the firearm, knowing the information was false, in violation of Title 18, United States Code, Section 922(a)(6).

**COUNT FOUR**

(18 U.S.C. §§ 922(a)(6), 924 9a)(2))

That on or about November 30, 2006, in the Western District of Texas, Defendant,

**ROBERTO MARQUEZ,**

in connection with his acquisition of a firearm, namely, a Century Arms, Model M70AB2, 7.62 caliber rifle, serial number M70AB00491 from Collector's Gun Exchange, 7126 North Mesa, El Paso, Texas, (████████████████████), a federally licensed firearms dealer, knowingly made a false and fictitious written statement to Collector's Gun Exchange, which statement was likely to deceive Collector's Gun Exchange, as to a material fact to the lawfulness of such acquisition of said firearm by the defendant under Chapter 44 of Title 18, in that the defendant provided a false response to Question Number 12a on the ATF Form 4473 when he answered "Yes" indicating that he was the actual purchaser of the firearm, knowing the information was false, in violation of Title 18, United States Code, Section 922(a)(6).

**COUNT FIVE**

(18 U.S.C. §§ 922(a)(6), 924 (a)(2))

That on or about December 4, 2006, in the Western District of Texas, Defendant,

**ROBERTO MARQUEZ,**

in connection with his acquisition of a firearm, namely, a Alexander Arms Model Beowolf, .50 Beowolf caliber rifle, serial number CM11796 from Kirk's Gun Shop, 3333-F Yarbrough, El Paso, Texas, (████████████████████), a federally licensed firearms dealer, knowingly made a false and fictitious written statement to Kirk's Gun Shop, which statement was likely to deceive

Kirk's Gun Shop, as to a material fact to the lawfulness of such acquisition of said firearm by the defendant under Chapter 44 of Title 18, in that the defendant provided a false response to Question Number 12a on the ATF Form 4473 when he answered "Yes" indicating that he was the actual purchaser of the firearm, knowing the information was false, in violation of Title 18, United States Code, Section 922(a)(6).

**COUNT SIX**  
(18 U.S.C. § 371, 554))

The Grand Jury incorporates by reference and re-alleges the allegations of Count One as though fully set forth herein.

Beginning on or about September 1, 2006, and continuing to on or about December 11, 2006, in the Western District of Texas, and elsewhere, Defendants,

**JUAN CARLOS MEZA and ROBERTO MARQUEZ,**

knowingly, intentionally, and unlawfully conspired, combined, confederated, and agreed together, and with each other, and with others to the Grand Jury known and unknown, to commit offenses against the United States, in violation of Title 18, United States Code, Section 371, that is to say, they knowingly exported from and sent from the United States, any merchandise, article, or object contrary to any law or regulation of the United States, and received, concealed, bought, and facilitated the transportation and concealment 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, to-wit; firearms, all in violation of Title 18, United States Code, Section 371 and 554.



**OVERT ACTS**

In furtherance of the conspiracy, and to effect the objects thereof, at least one of the co-conspirators herein committed one or more of the following overt acts, among others, in the Western District of Texas, and elsewhere:

1. On or about September 1, 2006, **JUAN CARLOS MEZA** (hereafter "**MEZA**") purchased multiple firearms; to-wit a Springfield Armory, Model SOCOM II (M1A), .308 caliber rifle, serial number 189955, a CZ, Model 550, .458 caliber rifle, serial number K0362, and a Ruger, Model P930, nine millimeter pistol, serial number 306-22559 from Kirk's Gun Shop, 3333-F Yarbrough, El Paso, Texas, with U.S. currency provided by persons known and unknown to the Grand Jury. Later that same day, **MEZA** transferred all the firearms he purchased that day to a person or persons known and unknown to the Grand Jury in a Burger King parking lot near the Bridge of the Americas Port of Entry in El Paso, Texas. **MEZA** gave these persons the firearms so they could be concealed and exported from the United States to the Republic of Mexico contrary to any law and regulation of the United States.
2. On September 2, 2006, **MEZA** traveled from the Western District of Texas to Ciudad Juarez, Chihuahua, Mexico to met with the persons both known and unknown to the Grand Jury. These persons provided **MEZA** with U.S. currency and a list of selected firearms for **MEZA** to purchase for export to the Republic of Mexico. **MEZA** took the U.S. currency and returned to the Western District of Texas in an effort to purchase the firearms.
3. On September 2, 2006, **MEZA** purchased an Olympic Arms, Model A1, .223 caliber rifle, serial number TB3540; an Olympic Arms, Model A1, .223 caliber rifle, serial number TB3456 ; and a Beretta, Model PX4, 9 millimeter pistol, serial number PX15814 from Kirk's Gun Shop, 3333-F Yarbrough, El Paso, Texas, with U.S. currency provided by the persons referenced in paragraph # 2 above who are known and unknown to the Grand Jury.
4. On September 2, 2006, **MEZA** purchased a firearm; to-wit a Olympic Arms, Model A1, .223 caliber rifle, serial number TB3456 from a licensed federal firearms dealer, Kirk's Gun Shop, 3333-F Yarbrough, El Paso, Texas, [REDACTED] with U.S. currency provided by persons known and unknown to the Grand Jury. At the time of the purchase, **MEZA** made a material representation to the FFL that he was the actual purchaser of the firearm.
5. On September 2, 2006, **MEZA** transferred to person known and unknown by the Grand Jury all three firearms he purchased earlier that day at Kirk's Gun Shop.

**MEZA** transferred the firearms knowing they would be concealed and exported from the United States to the Republic of Mexico that same day.

6. On December 2, 2006, **MEZA** received a telephone call in the Western District of Texas from a person known to the Grand Jury, who called **MEZA** from the Republic of Mexico requesting .50 caliber rifle and asked **MEZA** to check on the purchase price. **MEZA** then made inquiries and located a .50 caliber rifle available for \$ 1,300.00. **MEZA** then traveled to a location in the Republic of Mexico and picked up the U.S. currency necessary to purchase the .50 caliber rifle.
7. Thereafter, on or about December 4, 2006, **Roberto MARQUEZ** (hereafter "**MARQUEZ**") purchased a firearm; to-wit an Alexander Arms, Model Beowolf, .50 Beowolf caliber rifle, serial number CM11796 from Kirk's Gun Shop with U.S. currency provided to **MEZA** by persons known and unknown to the Grand Jury. **MEZA** and **MARQUEZ** then traveled to the Burger King parking lot near the Bridge of the Americas Port of Entry and transferred the firearm to a person or persons known and unknown to the Grand Jury who both **MEZA** and **MARQUEZ** knew where going to export the firearm from the United States to the Republic of Mexico.
8. On December 5, 2006, **MARQUEZ** purchased a firearm; to-wit a Century International Arms, Model WASR-10, 7.62 caliber rifle, serial number RE-0505-86 from Chuy's Gun Shop, 10342 Grouse, El Paso, Texas with U.S. currency provided by persons known and unknown to the Grand Jury. **MARQUEZ** then traveled to the Burger King parking lot near the Bridge of the Americas Port of Entry and transferred the firearm to a person or persons known and unknown to the Grand Jury who **MARQUEZ** knew where going to export the firearm from the United States to the Republic of Mexico. .

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

A TRUE BILL.

\_\_\_\_\_  
FOREPERSON OF THE GRAND JURY

JOHNNY SUTTON  
UNITED STATES ATTORNEY

BY: 

\_\_\_\_\_  
Assistant U.S. Attorney