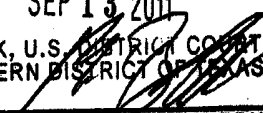


FILED

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

SEP 13 2011

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

UNITED STATES OF AMERICA,

Plaintiff,

V.

ADRIAN JESUS REYNA (1),

THOMAS CARREON (2),


STEPHEN GLEN GUERRA (4),

Defendants

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CRIMINAL NO. W-11-CR-200

SUPERSEDING INDICTMENT

[VIO: COUNT ONE: 18 U.S.C. 371-
Conspiracy; COUNT TWO: 22 U.S.C.
2778(b)(2) and 2778(c) – Arms Export Control
Act, Export of Arms and Munitions]

THE GRAND JURY CHARGES:

COUNT ONE
[18 U.S.C. 371]

From on or about June 1, 2011, and continuing until on or about July 22, 2011, in the
Western District of Texas and elsewhere, the Defendants,

ADRIAN JESUS REYNA
and
THOMAS CARREON,

did knowingly and willfully combine, conspire, confederate and agree, together and with each other
and others both known and unknown to the Grand Jury:

- (a) to knowingly make false statements and representations with respect to the information required to be kept in the records of a licensed dealer under Chapter 44 of Title 18, United States Code; in violation of Title 18, United States Code § Section 924(a)(1)(A).
- (b) to fraudulently and knowingly export and send from the United States merchandise, articles and objects contrary to the laws and regulations of the United States; in violation of Title 18, United States Code § 554.

- (c) to receive, conceal, buy, sell and facilitate the transportation, concealment and sale of merchandise, articles and objects, prior to exportation, knowing the same to be intended for exportation contrary to the laws and regulations of the United States; in violation of Title 18, United States Code § 554

Manner and Means of the Conspiracy

1. It was the purpose of the conspiracy to acquire firearms in the State of Texas through the use of "straw buyers" and transport those firearms to the actual buyers in the Republic of Mexico.

2. It was part of the conspiracy that ADRIAN JESUS REYNA would acquire firearms. To this end, ADRIAN JESUS REYNA would himself purchase firearms in the State of Texas. ADRIAN JESUS REYNA also recruited THOMAS CARREON and others to enlist and direct additional persons to purchase firearms in the State of Texas on behalf of other persons. These purchasers, including ADRIAN JESUS REYNA, are collectively referred to as the "straw buyers."

3. It was part of the conspiracy that each of the "straw buyers" answered "Yes" to the following question posed on the Form 4473 related to their specific firearm's purchase(s) knowing that they were not the actual buyer:

11.a. Are you the actual transferee, buyer of the firearm(s) listed on this form?
Warning: You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual buyer, the dealer cannot transfer the firearm(s) to you. [bold font is used on the Form 4473]

4. It was part of the conspiracy that each of the "straw buyers" signed the Form 4473 related to their specific firearm purchase(s) in a signature block immediately below the following written certification:

I certify that my answers to Section A are true, correct and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473. I understand that answering "yes" to question 11.a. if I am not the actual buyer is a crime punishable as a felony under Federal law, and may also violate State and/or local law.....I also understand that making any false oral or written statement....is a crime punishable as a felony under Federal law, and may also violate State and/or local law. [bold font is used on the Form 4473]

5. It was part of the conspiracy that the majority of "straw buyers" were paid a fee for purchasing the firearm(s) and delivering those firearms to ADRIAN JESUS REYNA.

6. It was part of the conspiracy that the purchased firearms would be prepared for transportation to Mexico by concealing the firearms in motor vehicles and transporting the firearms from the Waco Division of the Western District of Texas to locations near the border with the Republic of Mexico in the Southern District of Texas. The firearms were then delivered to other persons who then transported them into the Republic of Mexico to the actual buyers.

OVERT ACTS

In furtherance of the conspiracy and to effect the purposes and objects thereof, numerous overt acts were committed by the conspirators in the Western District of Texas and elsewhere. These acts include but are not limited to the following:

1. On or about June 7, 2011, ADRIAN JESUS REYNA purchased one CAI GPWASR, 10/63 rifle, 7.62x39, from Guns Galore, Killeen, Bell County, Texas.
2. On or about June 9, 2011, ADRIAN JESUS REYNA purchased one CAI Draco pistol, 7.62x39, from Guns Galore, Killeen, Bell County, Texas.
3. On or about July 6, 2011, THOMAS CARREON enlisted and directed another person to purchase two Century Arms WASR-10/63 rifles, 7.62x39, from Action Pawn, Killeen, Bell County, Texas.
4. On or about July 6, 2011, THOMAS CARREON enlisted and directed another person to purchase one CAI M70-AB2 rifle, 7.62x39, and one CAI GPWASR, 10/63 rifle, 7.62x39, from Guns Galore, Killeen, Bell County, Texas.

5. On or about July 13, 2011, ADRIAN JESUS REYNA purchased one SAR Silmanz LHV-47-T rifle, 7.62x39, from Action Pawn, Killeen, Bell County, Texas.

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

COUNT TWO
[22 U.S.C. 2778(b)(2) and 2778(c)]

From on or about June 1, 2011, and continuing until on or about July 22, 2011, in the Western District of Texas and elsewhere, Defendants,

ADRIAN JESUS REYNA,
[REDACTED]
and
STEPHEN GLEN GUERRA,

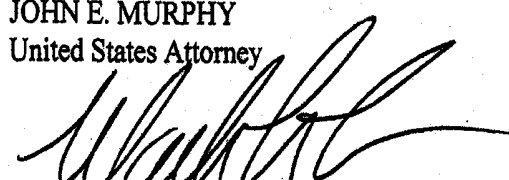
did intentionally and knowingly conspire with persons known and unknown to the Grand Jurors, to knowingly and willfully export and attempt to export into the United Mexican States from the United States of America a defense article, that is, to wit: several AK-47 type rifles and magazines, without having first obtained from the Department of State a license for such export or written authorization for such export, in violation of Title 22, United States Code, Sections 2778(b)(2) and 2778(c), and Title 22, Code of Federal Regulations, Sections 121.1, 123.1, 127.1, and 127.3.

A TRUE BILL:

**SEALED DOCUMENT PURSUANT
TO E-GOVERNMENT ACT OF 2002**

FOREPERSON

JOHN E. MURPHY
United States Attorney


By: **MARK L. FRAZIER**
Assistant United States Attorney

SEALED _____

UNSEALED X

PERSONAL DATA SHEET
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

DATE: 09-13-2011

MAG CT. # W11-162M

CASE NO. W-11-CR-200 (1)

COUNTY: BELL

JUDGE WALTER S. SMITH, JR.

ASSISTANT U. S. ATTORNEY MARK L. FRAZIER

DEFENDANT: ADRIAN JESUS REYNA (1)

DOB: [REDACTED]

CITIZENSHIP: United States X Mexican _____ Other _____

INTERPRETER NEEDED: Yes _____ No X Language _____

DEFENSE ATTORNEY: Lewis C. Giles

DEFENDANT IS: In Jail NO WHERE: _____

On Bond YES

PROSECUTION BY: INFORMATION _____ INDICTMENT _____

SUPERSEDING INDICTMENT X (Adding Ct. 2, Defs 3-4)

OFFENSE: (Code & Description) COUNT ONE: 18 U.S.C. 371 - Conspiracy; COUNT TWO: 22 U.S.C. 2778(b)(2) and 2778(c) - Arms Export Control Act. Export of Arms and Munitions

OFFENSE IS: FELONY X MISDEMEANOR _____

MAXIMUM SENTENCE: COUNT ONE: Not more than 5 years custody; \$250,000 fine; \$100 special assessment; not more than 3 years TSR; COUNT TWO: Not more than 20 years custody; \$250,000 fine; \$100 special assessment; not more than 5 years TSR

PENALTY IS MANDATORY: YES concerning:
Special Assessment and TSR

REMARKS: [REDACTED]

SEALED _____
UNSEALED X

PERSONAL DATA SHEET
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

DATE: 09-13-2011 MAG CT. # W11-162M CASE NO. W-11-CR-200 (2)
COUNTY: BELL

JUDGE WALTER S. SMITH, JR.
ASSISTANT U. S. ATTORNEY MARK L. FRAZIER

DEFENDANT: THOMAS CARREON (2) DOB: [REDACTED]

CITIZENSHIP: United States X Mexican _____ Other _____

INTERPRETER NEEDED: Yes _____ No X Language _____

DEFENSE ATTORNEY: Adam Hoffman

DEFENDANT IS: In Jail NO WHERE: _____
 On Bond YES

PROSECUTION BY: INFORMATION _____ INDICTMENT _____
 SUPERSEDING INDICTMENT X (Adding Ct 2, Defs 3-4)

OFFENSE: (Code & Description) COUNT ONE: 18 U.S.C. 371 - Conspiracy

OFFENSE IS: FELONY X MISDEMEANOR _____

MAXIMUM SENTENCE: COUNT ONE: Not more than 5 year custody; \$250,000 fine; \$100 special assessment; not more than 3 years TSR

PENALTY IS MANDATORY: YES concerning:
Special Assessment and TSR

REMARKS: [REDACTED]

SEALED X

UNSEALED

PERSONAL DATA SHEET
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

DATE: 09-13-2011

MAG CT. # W11-162M

CASE NO. W-11-CR-200 (4)

COUNTY: BELL

JUDGE WALTER S. SMITH, JR.

ASSISTANT U. S. ATTORNEY MARK L. FRAZIER

DEFENDANT: STEPHEN GLEN GUERRA (4)

DOB:

CITIZENSHIP: United States X Mexican Other

INTERPRETER NEEDED: Yes No X Language

DEFENSE ATTORNEY:

DEFENDANT IS: In Jail NO WHERE:

On Bond NO

PROSECUTION BY: INFORMATION INDICTMENT

SUPERSEDING INDICTMENT X (Adding Ct. 2, Defs 3-4)

OFFENSE: (Code & Description) COUNT ONE: 18 U.S.C. 371 - Conspiracy; COUNT TWO: 22 U.S.C. 2778(b)(2) and 2778(c) - Arms Export Control Act, Export of Arms and Munitions

OFFENSE IS: FELONY X MISDEMEANOR

MAXIMUM SENTENCE: COUNT ONE: Not more than 5 years custody; \$250,000 fine; \$100 special assessment; not more than 3 years TSR; COUNT TWO: Not more than 20 years custody; \$250,000 fine; \$100 special assessment; not more than 5 years TSR

PENALTY IS MANDATORY: YES concerning:
 Special Assessment and TSR

REMARKS: [REDACTED]