

2. **OSVALDO GUADALUPE TOSTADO-GONZALEZ, GABRIEL GONZALEZ-GONZALEZ, ISMAEL RAYMUNDO AVILA-ORQUIZ, and MARIO ALBERTO MENDEZ-GARCIA** are all citizens and nationals of Mexico, who during the course of the conspiracy alleged herein, were temporarily admitted to the United States pursuant to the terms and conditions of non-immigrant alien visas and based on the terms of that temporary admission, none of them could legally purchase, receive, or possess firearms or ammunition in the United States.

3. During the course of the conspiracy, **OSVALDO GUADALUPE TOSTADO-GONZALEZ, GABRIEL GONZALEZ-GONZALEZ, ISMAEL RAYMUNDO AVILA-ORQUIZ, and MARIO ALBERTO MENDEZ-GARCIA**, and others known and unknown to the Grand Jury attempted to purchase almost two million dollars (\$2,000,000.00) worth of various makes, models, and calibers of firearms and ammunition, that were selected by, and paid for, with funds provided by the persons known and unknown to the Grand Jury.

THE CONSPIRACY

COUNT ONE
(18 U.S.C. §§ 371, 554))

Beginning on or about December 3, 2008, and continuing to and including on or about April 11, 2009, in the Western District of Texas, the District of New Mexico, and elsewhere, Defendants,

**OSVALDO GUADALUPE TOSTADO-GONZALEZ,
GABRIEL GONZALEZ-GONZALEZ,
ISMAEL RAYMUNDO AVILA-ORQUIZ, and
MARIO ALBERTO MENDEZ-GARCIA**

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 attempted to export from and send from the United States, merchandise, article, and

objects contrary to any law or regulation of the United States; to-wit: firearms and ammunition, 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, the District of New Mexico, and elsewhere:

1. On or about December 20, 2008, **OSVALDO GUADALUPE TOSTADO-GONZALEZ** and **GABRIEL GONZALEZ-GONZALEZ** traveled from Mexico to the United States to meet with law enforcement agents who were acting in an undercover capacity and requested to purchase firearms and ammunition for illegal export from the United States to Mexico.
2. On or about December 20, 2008, **OSVALDO GUADALUPE TOSTADO-GONZALEZ** and **GABRIEL GONZALEZ-GONZALEZ** provided undercover law enforcement agents with a handwritten list of makes, models, and calibers of firearms and ammunition they wanted to purchase for illegal export from the United States to Mexico.
3. On or about January 29, 2009, **OSVALDO GUADALUPE TOSTADO-GONZALEZ** traveled from Mexico to the United States and delivered one hundred forty-eight thousand and forty five dollars (\$ 148,045.00) in U.S. currency to undercover law enforcement agents as a partial payment on the firearms and ammunition requested for illegal export to Mexico.
4. On or about February 11, 2009, **GABRIEL GONZALEZ-GONZALEZ**, traveled from Mexico to the United States to meet with undercover law enforcement agents to inspect firearms that purportedly had been acquired thus far from the list provided

at the December 20, 2008, meeting by **OSVALDO GUADALUPE TOSTADO-GONZALEZ**, and **GABRIEL GONZALEZ-GONZALEZ**.

5. On or about February 11, 2009, **GABRIEL GONZALEZ-GONZALEZ**, did inspect and possess numerous firearms provided by undercover law enforcement agents. **GONZALEZ** then informed the undercover law enforcement agents he would report back to persons unknown to the Grand Jury the progress undercover agents had made thus far and attempt to forward more money towards the total amount due before the undercover law enforcement agents would deliver the firearms and ammunition.
6. On or about March 5, 2009, **GABRIEL GONZALEZ-GONZALEZ**, **ISMAEL RAYMUNDO AVILA-ORQUIZ**, and **MARIO ALBERTO MENDEZ-GARCIA** traveled from Mexico to the United States to meet with undercover law enforcement agents to inspect the firearms that purportedly had been acquired thus far from the list of firearms **OSVALDO GUADALUPE TOSTADO-GONZALEZ**, and **GABRIEL GONZALEZ-GONZALEZ** had delivered at the earlier meetings
7. On or about March 5, 2009, **GABRIEL GONZALEZ-GONZALEZ**, **ISMAEL RAYMUNDO AVILA-ORQUIZ**, and **MARIO ALBERTO MENDEZ-GARCIA** did possess and inspect numerous firearms provided by the undercover law enforcement agents as requested by persons unknown to the Grand Jury.
8. On or about April 11, 2009, **OSVALDO GUADALUPE TOSTADO-GONZALEZ** and **GABRIEL GONZALEZ-GONZALEZ** traveled from Mexico to the United States to meet with undercover law enforcement agents to negotiate further payment for the firearms and ammunition requested in December, 2008.

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

COUNT TWO

(18 U.S.C. §§ 922(g)(5)(B), 924(a)(2))

The Introduction in Count One is incorporated by reference and re-alleged as if fully set forth herein.

That on or about February 11, 2009, in the Western District of Texas, Defendant,

GABRIEL GONZALEZ-GONZALEZ,

then being an alien admitted to the United States under a non-immigrant visa, did knowingly possess in and affecting commerce a firearm; to-wit, an AR-15 rifle, in violation of Title 18, United States Code, Section 922(g)(5)(B).

COUNT THREE

(18 U.S.C. §§ 922(g)(5)(B), 924(a)(2))

The Introduction in Count One is incorporated by reference and re-alleged as if fully set forth herein.

That on or about March 5, 2009, in the Western District of Texas, Defendant,

ISMAEL RAYMUNDO AVILA-ORQUIZ,

then being an alien admitted to the United States under a non-immigrant visa, did knowingly possess in and affecting commerce a firearm; to-wit, an AR-15 rifle, in violation of Title 18, United States Code, Section 922(g)(5)(B).

COUNT FOUR

(18 U.S.C. §§ 922(g)(5)(B), 924(a)(2))

The Introduction in Count One is incorporated by reference and re-alleged as if fully set forth herein.

That on or about March 5, 2009, in the Western District of Texas, Defendant,

MARIO ALBERTO MENDEZ-GARCIA,

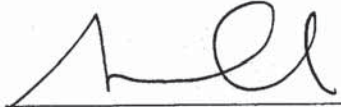
then being an alien admitted to the United States under a non-immigrant visa, did knowingly possess in and affecting commerce a firearm; to-wit an AR-15 rifle, in violation of Title 18, United States Code, Section 922(g)(5)(B).

A TRUE BILL

FOREPERSON OF THE GRAND JURY

JOHN E. MURPHY
ACTING UNITED STATES ATTORNEY

BY:



Assistant U.S. Attorney