

United States District Court  
Southern District of Texas  
FILED

DEC 22 2015

NO

David J. Bradley, Clerk  
Laredo Division

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS

LAREDO DIVISION

UNITED STATES OF AMERICA

v.

SAN JUANA GUADALUPE ZEBADUA  
FIDENCIO ORTIZ  
A.K.A "PONONIA," A.K.A. "JUNIOR"  
JOHNATHAN SIFUENTES  
CARLOS REYES-JAIMES  
A.K.A. JESSE BARRIENTOS

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CRIMINAL NO.

L-15-1505

GPK

INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNT ONE

(Conspiracy to Commit Offense Against the United States  
and to Defraud the United States)

1. On or about November 24, 2015, in the Southern District of Texas, Laredo Division,  
the Defendants,

SAN JUANA GUADALUPE ZEBADUA,  
FIDENCIO ORTIZ A.K.A. "PANONIA" A.K.A. "JUNIOR,"  
JONTAHAN SIFUENTES,  
CARLOS REYES-JAIMES A.K.A. JESSE BARRIENTOS

unlawfully conspired with each other and with individuals known and unknown to the grand jury  
to:

a. knowingly defraud the United States by deceitful and dishonest means by  
impeding and obstructing the lawful government functions of the ATF in enforcing federal  
firearms laws and in preventing illegal firearms trafficking;

b. knowingly make any false and fictitious oral and written statement, intended and likely to deceive a dealer licensed under Chapter 44 of Title 18, United States Code with respect to any fact material to the lawfulness of the sale and other disposition of a firearm, an offense against the United States in violation of Title 18, United States Code, Section 922(a)(6).

#### Methods of the Conspiracy

3. It was part of the conspiracy that **FIDENCIO ORTIZ A.K.A. "PONONIA" A.K.A. "JUNIOR", JOHNATHAN SIFUENTES** and **CARLOS REYES-JAIMES A.K.A. JESSE BARRIENTOS**, completed sales of firearms through **SAN JUANA GUADALUPE ZEBADUA** and other persons known and unknown to the grand jury who falsely claimed to be the true purchasers of the firearms (the "Straw Purchasers"), disguising the identity of the true purchaser.

4. It was further part of the conspiracy that **SAN JUANA GUADALUPE ZEBADUA** would make false and fictitious oral and written statements, intended and likely to deceive a dealer licensed under Chapter 44 of Title 18, United States Code, with respect to any fact material to the lawfulness of the sale and other disposition of a firearm, concealing the identity of the true purchaser from ATF.

#### Overt Acts

5. In furtherance of the conspiracy and to accomplish its unlawful objectives, the following overt acts, among others, were committed in the Southern District of Texas:

b. **CARLOS REYES-JAIMES A.K.A. JESSE BARRIENTOS** gave **SAN JUANA GUADALUPE ZEBADUA** an amount of United States currency and directed her to purchase a specific type of firearm.

c. **SAN JUANA GUADALUPE ZEBADUA** purchased said firearm online from [www.impactguns.com](http://www.impactguns.com).

d. **SAN JUANA GUADALUPE ZEBADUA** caused said firearm to be transferred to the Kirkpatrick Guns and Ammo Arena Gun Club located in Laredo, Texas.

e. **SAN JUANA GUADALUPE ZEBADUA** transported **CARLOS REYES-JAIMES A.K.A. JESSE BARRIENTOS** in a motor vehicle to the Arena Gun Club in order to pick up said firearm.

f. **SAN JUANA GUADALUPE ZEBADUA** made written representations on ATF Form 4473 regarding the identity of the true purchaser of said firearm.

g. After the purchase, **FIDENCIO ORTIZ A.K.A. "PONONIA" A.K.A. "JUNIOR"** called **CARLOS REYES-JAIMES A.K.A. JESSE BARRIENTOS** and inquired about said firearm.

h. **FIDENCIO ORTIZ A.K.A. "PONONIA" A.K.A. "JUNIOR"** agreed to meet **CARLOS REYES-JAIMES A.K.A. JESSE BARRIENTOS** at a residence in Laredo, Texas in order to view said firearm.

h. **JOHNATHAN SIFUENTES** transported **FIDENCIO ORTIZ A.K.A. "PONONIA" A.K.A. "JUNIOR"** in a motor vehicle to said residence in Laredo, Texas.

i. **FIDENCIO ORTIZ A.K.A. "PONONIA" A.K.A. "JUNIOR"** and **JOHNATHAN SIFUENTES** brought United States currency to said residence in Laredo, Texas.

The offenses described in Counts TWO and THREE are hereby incorporated by reference and alleged as overt acts in furtherance of the conspiracy.

In violation of Title 18, United States Code, Sections 371 and 922(a)(6).

**COUNT TWO**  
**(False Statements in Firearm Transactions)**

On or about November 24, 2015, in the Southern District of Texas, the Defendant,

**SAN JUANA GUADALUPE ZEBADUA**

in connection with the acquisition of a firearm, that is an Armalite, Model AR-50A1, bolt action rifle in .50 caliber, from Kirkpatrick Guns and Ammo, a licensed dealer of firearms within the meaning of Chapter 44 of Title 18, United States Code, knowingly made a false and fictitious oral and written statement to Kirkpatrick Guns and Ammo, which statement was intended and likely to deceive as to a fact material to the lawfulness of such sale of said firearm to the defendant under chapter 44 of Title 18, in that the defendant executed a Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives form 4473, Firearms Transaction Record, to the effect that she was the actual buyer of the firearm indicated on the Form 4473, when in fact the defendant knew, she was not the actual buyer of the firearm.

In violation of Title 18, United States Code, Sections 922(a)(6) and 2.

**COUNT THREE**  
**(Illegal Export of a Firearm)**

On or about November 24, 2015 in the Southern District of Texas, defendants

**SAN JUANA GUADALUPE ZEBADUA,**  
**FIDENCIO ORTIZ A.K.A. "PONONIA" A.K.A. "JUNIOR,"**  
**JOHNATHAN SIFUENTES,**  
**CARLOS REYES-JAIMES A.K.A. JESSE BARRIENTOS**

aiding and abetting each other, did knowingly export and send and attempt to export and send from the United States to the United Mexican State, merchandise, articles or goods: that is, an Armalite, Model AR-50A1, bolt action rifle in .50 caliber, contrary to the laws and regulations of the United States, to wit, Title 22, United States Code, Section 2778(b)(2) and Section 2778(c), and Title 22, Code of Federal Regulations, Section

121.1, 123.1, and 127.1, which prohibit any defense article which appears on the United States Munitions List without first obtaining a license and approval from the Department of State, and did receive, conceal, buy, sell, and in any manner did facilitate the transportation, concealment, and sale of such merchandise, article, and object, knowing the same to be intended for exportation contrary to said laws and regulations of the United States.


In violation of Title 18, United States Code, Sections 554 and 2, and Title 22, United States Code, Section 2778.

A TRUE BILL:

11/17

ORIGINAL SIGNATURE ON FILE

KENNETH MAGIDSON  
UNITED STATES ATTORNEY

A handwritten signature in black ink, appearing to read 'Jorge Vela', written over a horizontal line.

Jorge Vela  
Assistant United States Attorney

USA-74-24b  
(Rev. 6-1-71)

**CRIMINAL DOCKET**

**L-15-1505**

LAREDO DIVISION

FILE: 15-28120 15-mj-01731

**DEC 22 2015**

NO. \_\_\_\_\_

INDICTMENT

Filed: \_\_\_\_\_

Judge: \_\_\_\_\_

ATTORNEYS:

UNITED STATES OF AMERICA

KENNETH MAGIDSON, USA

vs.

Jorge Vela, AUSA

**SAN JUANA GUADALUPE ZEBADUA  
FIDENCIO ORTIZ A.K.A. "PONONIA" A.K.A. "JUNIOR"  
JOHNATHAN SIFUENTES  
CARLOS REYES-JAIMES A.K.A. JESSE BARRIENTOS**

**CHARGE:** Ct. 1: Conspiracy to Commit Offense Against the United States  
and to Defraud the United States [18, USC, Sections 371 and 922(a)(6)]

Ct. 2: False Statements in Firearm Transactions [18 USC Sections 922(a)(6) and 2]

Ct. 3: Smuggling Goods from the United States [18 USC Sections 544 and 2]  
[22 USC 2778]

**TOTAL COUNTS: 3**

**PENALTY:**

Ct. 1: Not more than five years imprisonment and a fine of not more than \$250,000 and a term of supervised release of not more than 3 years

Ct. 2 &3: Not more than ten years imprisonment and a fine of not more than \$250,000 and a term of supervised release of not more than 3 years

In Jail:

On Bond:

Name & Address of Surety:

No Arrest: