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Grand Juries Indict 34 Suspects in Drug and Firearms Trafficking Organization

Multi-Agency task force rounds up defendants accused of illegal gun purchases, money laundering and conspiracy

PHOENIX – Grand juries have returned multi-count indictments in five cases against 34 defendants accused of assisting Mexican Drug Trafficking Organizations with illegally trafficking firearms from the United States to Mexico.

Beginning earlier this morning, a multi-agency law enforcement task force rounded up and arrested 20 defendants named in the 53-count Avila indictment, which was unsealed today. More than 100 officers were involved in the operation.

The Avila indictment alleges that from approximately September 2009 to December of 2010, the defendants conspired to purchase hundreds of firearms, including AK-47s, to be illegally exported to Mexico. Defendants, none of whom are licensed firearms dealers, acted as “straw purchasers” by falsely declaring that they were buying the weapons for themselves. AK-47’s are considered the “weapon of choice” for Mexican Drug Trafficking Organizations.

“Our office is committed to stopping the illegal flow of guns into Mexico,” said Dennis K. Burke, U.S. Attorney for the District of Arizona. “The massive size of this operation sadly exemplifies the magnitude of the problem -- Mexican Drug Lords go shopping for war weapons in Arizona.”

“These indictments are important steps in the Justice Department’s effort to curb gun trafficking along the Southwest Border,” said Assistant Attorney General Lanny A. Breuer of the Criminal Division. “The Criminal Division is working hard with its partners in the U.S. Attorneys’ Offices and colleagues in Mexico to find and prosecute those who seek to transport weapons illegally across our borders.”

In parallel cases, another 14 people have been charged with gun-trafficking crimes in the District of Arizona under a series of grand jury indictments that have been recently handed down or unsealed. Defendants in those cases are pending trial.

"This investigation is further proof of the relentless efforts by Mexican drug cartels, especially the Sinaloa Cartel, to illegally acquire large quantities of firearms in Arizona and elsewhere in the U.S. for use in the ongoing Mexican drug war," said Bill Newell, Special Agent in Charge of the ATF Phoenix Field Division. This investigation is also further proof that the 'straw purchase' of firearms continues to be a significant problem and that those individuals that knowingly falsify ATF firearms forms in order to supply Mexican drug cartels with firearms have as much blood on their hands as the criminals that use them."

Firearms traffickers often use “straw purchasers” to buy guns from licensed dealers. It is illegal for a purchaser to falsely declare they are buying firearms for themselves when in fact they are obtaining them for someone else.

The operations were conducted by a multi-agency task force through the Organized Crime Drug Enforcement Task Force (OCDETF). The principal mission of the OCDETF program is to identify, disrupt and dismantle the most serious drug trafficking, weapons trafficking and money laundering organizations, and those primarily responsible for the nation’s illegal drug supply. Agencies included in this operation include the United States Attorney’s Office for the District of Arizona, Bureau of Alcohol, Tobacco, Firearms and Explosives, Immigration and Customs Enforcement, Internal Revenue Service, the Drug Enforcement Administration, the Department of Agriculture and the Phoenix Police Department.

“The Phoenix OCDETF Strike Force reflects the kind of collaborative law enforcement approach that positions us best to combat the Mexican Cartels responsible for the scourge of international drug trafficking and the associated violence, firearms trafficking, money laundering and corruption,” said DEA Acting Special Agent Charge, Doug Coleman. “This multi-agency Strike Force, which helped identify and dismantle key operatives of a violent criminal organization and remove large amounts of its arsenal, is a proven law enforcement tool for tackling the challenges we face along the Southwest Border.”

“Greed is the financial investigators friend. It allows us to track the financial transactions involved with illegal business operations and ferret out the individuals involved,” said IRS Assistant Special Agent in Charge, Gabriel Grcham. “Through the cooperative efforts of the agencies involved with the OCDETF Strike Force and the United States Attorney's Office, agents documented the transactions of this organization. In one example the indictment indicates seven individuals allegedly spent approximately \$104,251 in cash at various Phoenix area firearms dealers to acquire 140 firearms. The organization utilized “straw purchasers” to conceal the true buyer and source of the funds used to acquire these weapons.”

Additional Indictments

The Avila indictment alleges one count of Conspiracy, one count of Dealing in Firearms without a License, one count of Conspiracy to Distribute Marijuana, two counts of Possession with Intent to Distribute Marijuana, one count of Conspiracy to Possess a Firearm in Furtherance of a Drug Trafficking Offense, 35 counts of Making a False Statement in Connection with the Acquisition of Firearms, one count of Conspiracy to Commit Money Laundering and 11 counts of Money Laundering.

The Flores indictment alleges one count of conspiracy and 17 counts of making a false statement during the purchase of a firearm. This indictment includes 8 individuals that made multiple “straw purchases.”

The Broome indictment alleges 1 count of conspiracy and 13 counts of making a false statement during the purchase of a firearm. This indictment includes four defendants that were involved in multiple “straw purchases” involving approximately 58 firearms.

The Aguilar indictment alleges 1 count of an individual making a false statement during the purchase of a firearm.

The Abarca indictment alleges 6 counts of making a false statement during the purchase of a firearm. The indictment alleges the defendant was involved in multiple “straw purchases” involving approximately 13 firearms of which 6 were AK 47 type weapons.

The maximum penalties for some of the most serious counts include:

- 18 United States Code, Section 924(a)(1)(A); False Statements in Connection with the Acquisition of Firearms 5yrs in prison , a \$250,00 fine and/or both; Counts 7-41 of the Avila Indictment
- 18 United States Code, Section 924(o); Conspiracy to Possess a Firearm in Furtherance of a Drug Trafficking Offense 20 yrs in prison , a \$250,000 and/or both; Count 6 of the Avila Indictment
- 18 United States Code, Section 371; Conspiracy; 5yrs in prison, a \$250,00 fine and/or both; Count 1 of the Avila Indictment (the objects of the conspiracy are alleged to be making false statements to acquire firearms in order to deal in firearms without a license and in the course of dealing without a license, transporting and shipping firearms out of the United States)

An indictment is simply the method by which a person is charged with criminal activity and raises no inference of guilt. An individual is presumed innocent until competent evidence is presented to a jury that establishes guilt beyond a reasonable doubt.

In determining an actual sentence, the United States District Judge will consult the U.S. Sentencing Guidelines, which provide appropriate sentencing ranges. The judge, however, is not bound by those guidelines in determining a sentence.

These cases are being prosecuted by the United States Attorney’s Office for Arizona and by Trial Attorney Laura Gwinn of the Department of Justice's Criminal Division's Gang Unit.

CASE NUMBER: CR-11-126-PHX-JAT (Aviles et al); CR-11-013-PHX-SRB (Aguilar); CR-10-1187-PHX-ROS (Broome et al.); CR-10-1607-PHX-NVW (Abarca); CR-10-1831-PHX-FJM (Flores et al)

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