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NEWS

**Prohibited Possessor Recruiting Others To Buy Firearms Charged With 25 Gun Counts**

FOR IMMEDIATE RELEASE

May 23, 2011

PHOENIX – A federal grand jury on Wednesday returned a 25-count Superseding Indictment against Jose Saucedo-Cuevas, 31, of Sinaloa, Mexico, on a variety of gun trafficking charges. The indictment alleges two separate Conspiracies to Make a False Statement in Connection with the Acquisition of Firearms, eight substantive counts of False Statements, five counts of Aggravated Identity Theft, five counts of Illegal Alien in Possession of a Firearm and five counts Felon in Possession of a Firearm.

This prosecution is part of a joint investigation made public in February between Homeland Security Investigations and the Bureau of Alcohol, Tobacco, Firearms and Explosives. There are four other indictments related to this matter for a total of 17 defendants charged in five separate cases involving over 300 weapons -- mostly AK-47-type rifles and automatic pistols -- seized here, in Mexico and in Texas. The weapons had been bought by "straw purchasers" from licensed gun stores in Arizona.

"Warring Mexican drug cartels continue to arm themselves in Arizona, and we believe this defendant was part and parcel to that effort," said U.S. Attorney Dennis K. Burke. "This defendant orchestrated straw purchases of over 110 assault rifles and pistols in a multi-state enterprise to provide weapons for the drug war. I commend our partners at ATF and HSI for their unwavering commitment to finding and dismantling these trafficking organizations."

"This indictment would not have been possible if not for the collaborative efforts of our law enforcement partners," said ATF Special Agent in Charge, Thomas Brandon. "We must remain steadfast in our pursuit of these criminal trafficking organizations."

Matt Allen, special agent in charge of ICE HSI in Arizona, added, "Weapons procurement networks are highly reliant on straw purchasers to be their pawns in buying weapons from licensed dealers, but HSI is not content to go after just the low-level foot soldiers in these organizations. As this investigation demonstrates, we are focused on moving past the foot soldiers to target those responsible for playing leadership roles in these criminal enterprises."

The Superseding Indictment alleges that Saucedo-Cuevas gave his 19-year-old co-defendant Gerardo Chaidez-Ochoa money to purchase nine rifles in November 2009, and that Chaidez-Ochoa obtained those rifles by representing to the federal licensed gun dealer that he was the actual buyer of the firearms. Saucedo-Cuevas also asked Salvador Figueroa Resa to buy firearms, and that Resa recruited seven others to buy 35 pistols and 71 rifles during a five-month period in 2010. Resa is charged in a separate 12-count Second Superseding Indictment along with five co-defendants whom he recruited to buy firearms. Saucedo-Cuevas also purchased 12 firearms by using the identity of Alejandro Macedo and failing to reveal that he is an illegal alien and a twice-convicted felon.

A conviction for False Statement in Connection with the Acquisition of a Firearm carries a maximum penalty of five years, a \$250,000 fine or both. A conviction for Making a Material False Statement in Connection with the Acquisition of a Firearm, and Illegal Alien or Felon in possession of a Firearm carries a maximum penalty of 10 years, a \$250,000 fine or both. A conviction for Aggravated Identity Theft carries a mandatory penalty of two years which must be served consecutive to any prison term imposed for the felony for which the identification was used, a \$250,000 fine or both. In determining an actual sentence, Judge Neil V. Wake 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 but must impose any mandatory minimum sentence required by statute.

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.

The investigation preceding the indictment was conducted by Homeland Security Investigations and the

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Bureau of Alcohol, Tobacco, Firearms and Explosives. The prosecution is being handled by Lisa Jennis Settel, Assistant U.S. Attorney, District of Arizona, Phoenix.

CASE NUMBER: CR-10-01129-PHX-NVW
RELEASE NUMBER: 2011-098(Sauceda-Cuevas)

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