

<input checked="" type="checkbox"/> FILED	<input type="checkbox"/> LODGED
<input type="checkbox"/> RECEIVED	<input type="checkbox"/> COPY
<b>MAY 26 2009</b>	
CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	DEPUTY

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

**REDACTED FOR  
PUBLIC DISCLOSURE**

United States of America,  
  
  Plaintiff,  
  v.  
  
1. Aaron Loren Weeks,  
   (Counts 1, 2, and 3)  
  
2. Charles Michael Cartwright,  
   (Counts 1, 2, 3, and 4)  
  
3. Adam Wyatt Fuentes,  
   (Counts 1, 2, 3, and 5)  
  
5. Ashley Virginia Boutchyard,  
   (Counts 1, 2, 3, and 7)  
  
6. Saul Rodriguez,  
   (Counts 1, 2, and 3)  
  
7. Jesus Gutierrez,  
   (Counts 1, 2, and 3)  
  
8. Olegario Gutierrez-Martinez,  
   (Counts 1, 2, and 3)  
  
9. Fernando E. Felix-Canez,  
   (Count 1)  
  
10. Kasey Ray Davis,  
    (Count 1)  
  
11. Ian Alexander Witte,  
    (Count 1)  
  
12. Tyler Michael Alexander, and  
    (Count 1)  
  
13. Andrew Allen Wild,  
    (Count 1)  
  
  Defendants.

CR08-1197-PHX-MHM

**THIRD  
SUPERSEDING  
INDICTMENT**

VIO: 18 U.S.C. § 371  
(Conspiracy)  
Count 1  
  
22 U.S.C. §§ 2778(b)(2) and  
2778(c); 18 U.S.C. § 2  
(Export Unauthorized  
Munitions/Aid and Abet)  
Count 2  
  
18 U.S.C. § 554 and 2  
(Illegally Smuggle Goods from the  
United States/Aid and Abet)  
Count 3  
  
18 U.S.C. § 924(a)(1)(A)  
(False Statements in Acquisition  
of Firearms)  
Counts 4, 5, 6, and 7  
  
18 U.S.C. §§ 924(d)(1) and  
981(a)(1)(C) and 28 U.S.C. 2461  
(Forfeiture Allegation)

1 THE GRAND JURY CHARGES:

2 COUNT 1

3 Beginning on a date unknown, and continuing until on or about July 30, 2008, in the  
4 District of Arizona and elsewhere, defendants AARON LOREN WEEKS, CHARLES  
5 MICHAEL CARTWRIGHT, ADAM WYATT FUENTES, ASHLEY VIRGINIA  
6 BOUTCHYARD, SAUL RODRIGUEZ, JESUS GUTIERREZ, OLEGARIO GUTIERREZ-  
7 MARTINEZ, FERNANDO E. FELIX-CANEZ, KASEY RAY DAVIS, IAN ALEXANDER  
8 WITTE, TYLER MICHAEL ALEXANDER, ANDREW ALLEN WILD and other persons  
9 known and unknown to the Grand Jury did willfully, knowingly and unlawfully combine,  
10 conspire, confederate and agree together to:

- 11
- 12 • make False Statements in Connection With the Acquisition of Firearms from federally  
13 licensed firearms dealers in violation of Title 18, United States Code, Section  
14 924(a)(1)(A);
  - 15
  - 16
  - 17 • export and take out of the United States of America and into the Republic of Mexico  
18 articles on the United States Munitions List without having first obtained from the  
19 Department of State a license for such export and written authorization for such export  
20 in violation of Title 22, United States Code, Sections 2778 (b)(2) and 2778 (c), and Title  
21 22, Code of Federal Regulations, Sections 121.1, 123.1, and 127.1; and
  - 22
  - 23 • to export and send from the United States, merchandise, article, and an object contrary  
24 to any law and regulation of the United States knowing the same to be intended for  
25 exportation contrary to any law and regulation of the United States in violation of Title  
26 18, United States Code, Section 554.
  - 27
  - 28

1 **OBJECT OF THE CONSPIRACY**

2 Defendants and others, known and unknown to the grand jury, intended to commit an  
3 offense against the United States by illegally obtaining firearms in the District of Arizona for  
4 the purpose of illegally taking those firearms out of the United States and distributing the  
5 firearms in the Republic of Mexico.

6 **MEANS AND METHOD OF THE CONSPIRACY**

7 The means and method employed by Defendants to effect the object of the conspiracy  
8 were as follows:

- 9
- 10 • It was part of the conspiracy that purchasers were hired by recruiters to buy firearms;  
11 purchasers were instructed on the type of firearm to purchase and were paid for their  
12 services.
  - 13 • It was part of the conspiracy that the firearms would be illegally purchased by  
14 misrepresenting the identity of the true purchaser on the required form; a Bureau of  
15 Alcohol, Tobacco, Firearms and Explosives (ATF) form 4473, Firearms Transaction  
16 record.
  - 17 • It was part of the conspiracy that firearms were tied to the undercarriage of the vehicle  
18 that would transport the firearms out of the United States.
  - 19 • It was part of the conspiracy that the driver would take the firearms out of the United  
20 States and to a specific person and location in Mexico.
- 21

22 **OVERT ACTS**

- 23 • At or near Spring 2008, SAUL RODRIGUEZ asked AARON LOREN WEEKS and  
24 ASHLEY VIRGINIA BOUTCHYARD to purchase firearms for SAUL RODRIGUEZ'S  
25 uncle, OLEGARIO GUTIERREZ-MARTINEZ. SAUL RODRIGUEZ told AARON  
26 LOREN WEEKS and ASHLEY VIRGINIA BOUTCHYARD that they would be paid  
27 for their services.
- 28

- 1 • Beginning at or near Spring 2008, AARON LOREN WEEKS recruited other purchasers,  
2 known and unknown to the grand jury, to purchase firearms to send to Mexico.
- 3 • On the following dates, AARON LOREN WEEKS drove his vehicle to Mexico through  
4 the Nogales Port of Entry, in order to take out of the United States firearms purchased by  
5 persons named and unnamed in this Indictment: June 2, 5, 9 and 13, 2008 and July 3 and  
6 11, 2008.
- 7 • On a date before July 28, 2008, AARON LOREN WEEKS and ASHLEY VIRGINIA  
8 BOUTCHYARD transported firearms out of the United States and to Mexico, and took  
9 the firearms to a location provided to them by OLEGARIO GUTIERREZ-MARTINEZ.  
10 SAUL RODRIGUEZ was waiting for them at that location. AARON LOREN WEEKS,  
11 ASHLEY VIRGINIA BOUTCHYARD, and SAUL RODRIGUEZ unloaded the firearms  
12 that were strapped beneath AARON LOREN WEEKS' vehicle to a building in Mexico.
- 13 • On a date before July 29, 2008, AARON LOREN WEEKS asked CHARLES MICHAEL  
14 CARTWRIGHT, ADAM WYATT FUENTES, FERNANDO E. FELIX-CANEZ,  
15 KASEY RAY DAVIS, IAN ALEXANDER WITTE, TYLER MICHAEL  
16 ALEXANDER, and ANDREW ALLEN WILD to purchase firearms. AARON LOREN  
17 WEEKS told CHARLES MICHAEL CARTWRIGHT, ADAM WYATT FUENTES,  
18 FERNANDO E. FELIX-CANEZ, KASEY RAY DAVIS, IAN ALEXANDER WITTE,  
19 TYLER MICHAEL ALEXANDER, and ANDREW ALLEN WILD that they would be  
20 paid for their services.
- 21 • On or about June 10, 2008, IAN ALEXANDER WITTE went to A.J.I. Sports in Apache  
22 Junction, Arizona, a federally licensed firearms dealer, to purchase one (1) AK-47 type  
23 rifle on behalf of AARON LOREN WEEKS, knowing that AARON LOREN WEEKS  
24 was transporting firearms to Mexico. When purchasing the firearm, IAN ALEXANDER  
25 WITTE represented to the dealer that he was the true purchaser of the firearm when, in  
26 truth and in fact, another person was the true purchaser of the firearm.  
27

28

- 1 • On or about June 23, 2008, FERNANDO E. FELIX-CANEZ went to A.J.I. Sports in  
2 Apache Junction, Arizona, a federally licensed firearms dealer, to purchase two (2) AK-  
3 47 type rifles on behalf of SAUL RODRIGUEZ and AARON LOREN WEEKS, knowing  
4 that AARON LOREN WEEKS was transporting firearms to Mexico. When purchasing  
5 the firearms, FERNANDO E. FELIX-CANEZ represented to the dealer that he was the  
6 true purchaser of the firearms when, in truth and in fact, another person was the true  
7 purchaser of the firearms.
- 8 • On or about June 26, 2008, TYLER MICHAEL ALEXANDER went to Lone Wolf  
9 Trading Company in Glendale, Arizona, a federally licensed firearms dealer, to purchase  
10 two (2) AK-47 type rifles on behalf of AARON LOREN WEEKS, knowing that AARON  
11 LOREN WEEKS was transporting firearms to Mexico. When purchasing the firearms,  
12 TYLER MICHAEL ALEXANDER represented to the dealer that he was the true  
13 purchaser of the firearms when, in truth and in fact, another person was the true purchaser  
14 of the firearms.
- 15 • On or about June 27, 2008, Nathan Manley Crumpler went to Mo Money Pawn Shop in  
16 Phoenix, Arizona, to purchase two (2) AK-47 type rifles for AARON LOREN WEEKS.
- 17 • On or about June 29, 2008, ANDREW ALLEN WILD went to Lone Wolf Trading  
18 Company in Glendale, Arizona, a federally licensed firearms dealer, to purchase two (2)  
19 AR-15 type rifles for AARON LOREN WEEKS. When purchasing the firearms,  
20 ANDREW ALLEN WILD represented to the dealer that he was the true purchaser of the  
21 firearms when, in truth and in fact, another person was the true purchaser of the firearms.
- 22 • On or about July 23, 2008, ANDREW ALLEN WILD went to J & G Sales in Prescott,  
23 Arizona, a federally licensed firearms dealer, to purchase two (2) AR-15 type rifles for  
24 AARON LOREN WEEKS. When purchasing the firearms, ANDREW ALLEN WILD  
25 represented to the dealer that he was the true purchaser of the firearms when, in truth and  
26 in fact, another person was the true purchaser of the firearms.
- 27 • On or about July 24, 2008, KASEY RAY DAVIS went to A.J.I. Sports in Apache  
28

1 Junction, Arizona, a federally licensed firearms dealer, to purchase one (1) AR-15 type  
2 rifle and one (1) AK-47 type rifle on behalf of AARON LOREN WEEKS, knowing that  
3 AARON LOREN WEEKS was transporting firearms to Mexico. When purchasing the  
4 firearms, KASEY RAY DAVIS represented to the dealer that he was the true purchaser  
5 of the firearms when, in truth and in fact, another person was the true purchaser of the  
6 firearms.

7 • On or about July 28, 2008, ASHLEY VIRGINIA BOUTCHYARD went to Gold Pawn  
8 Brokers in Mesa, Arizona, a federally licensed firearms dealer, to purchase one (1) AR-15  
9 type rifle on behalf AARON LOREN WEEKS, knowing that AARON LOREN WEEKS  
10 was transporting firearms to Mexico. When purchasing the firearm, ASHLEY  
11 VIRGINIA BOUTCHYARD represented to the dealer that she was the true purchaser of  
12 the firearm when, in truth and in fact, another person was the true purchaser of the  
13 firearm.

14 • On or about July 29, 2008, CHARLES MICHAEL CARTWRIGHT went to Bear Arms  
15 Guns and Accessories in Scottsdale, Arizona, a federally licensed firearms dealer, to  
16 purchase two (2) AR-15 type rifles on behalf AARON LOREN WEEKS, knowing that  
17 AARON LOREN WEEKS was transporting firearms to Mexico. AARON LOREN  
18 WEEKS drove to the dealer, instructed on the type of firearm to purchase, provided  
19 money for the purchase, took possession of the firearms after the purchase, and paid  
20 CHARLES MICHAEL CARTWRIGHT for making the purchase. When purchasing the  
21 firearms, CHARLES MICHAEL CARTWRIGHT represented to the dealer that he was  
22 the true purchaser of the firearms when, in truth and in fact, another person was the true  
23 purchaser of the firearms.

24 • On or about July 29, 2008, ADAM WYATT FUENTES went to Randall's Firearms in  
25 Glendale, Arizona, a federally licensed firearms dealer, to purchase two (2) AR-15 type  
26 rifles on behalf AARON LOREN WEEKS, knowing that AARON LOREN WEEKS was  
27 transporting firearms to Mexico. AARON LOREN WEEKS drove to the dealer,  
28

1 instructed on the type of firearm to purchase, provided money for the purchase, took  
2 possession of the firearms after the purchase, and paid ADAM WYATT FUENTES for  
3 making the purchase. When purchasing the firearms, ADAM WYATT FUENTES repre-  
4 sented to the dealer that he was the true purchaser of the firearms when, in truth and in  
5 fact, another person was the true purchaser of the firearms.

6 • On or about July 30, 2008, AARON LOREN WEEKS went to the home of OLEGARIO  
7 GUTIERREZ-MARTINEZ. AARON LOREN WEEKS and OLEGARIO GUTIERREZ-  
8 MARTINEZ then went to the home of JESUS GUTIERREZ in separate vehicles. With  
9 JESUS GUTIERREZ'S permission, AARON LOREN WEEKS and OLEGARIO  
10 GUTIERREZ-MARTINEZ used the garage of JESUS GUTIERREZ to zip tie the five  
11 AR-15 type rifles purchased by ASHLEY VIRGINIA BOUTCHYARD, CHARLES  
12 MICHAEL CARTWRIGHT, and ADAM WYATT FUENTES on July 28 and 29, 2008,  
13 underneath AARON LOREN WEEKS' vehicle.

14 • On or about July 30, 2008, AARON LOREN WEEKS entered his vehicle, left JESUS  
15 GUTIERREZ'S home, picked up ASHLEY VIRGINIA BOUTCHYARD, and they  
16 drove to the Nogales, Arizona Port of Entry. They arrived at the point in the United  
17 States where there is no possible destination but to cross the border, leaving the United  
18 States and entering the Republic of Mexico. They were contacted by U.S. Customs and  
19 Border Protection.

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

21  
22 ///

**COUNT 2**

1  
2 On or about July 30, 2008, in the District of Arizona, AARON LOREN WEEKS,  
3 CHARLES MICHAEL CARTWRIGHT, ADAM WYATT FUENTES, ASHLEY  
4 VIRGINIA BOUTCHYARD, SAUL RODRIGUEZ, JESUS GUTIERREZ, and OLEGARIO  
5 GUTIERREZ-MARTINEZ did knowingly and willfully attempt to export and take out of the  
6 United States of America and into the Republic of Mexico articles on the United States  
7 Munitions List, that is: one (1) Panther Arms, Model A-15, 5.56mm caliber semi-automatic  
8 rifle; one (1) Ametec Arms, Model WM-15, 5.56mm caliber semi-automatic rifle; one (1)  
9 Bushmaster, Model XM15-E-2S, 5.56mm caliber semi-automatic rifle; (1) Olympic Arms,  
10 Model Cal. Multi 2008, 5.56mm caliber semi-automatic rifle; one (1) PWA, Model  
11 Commando, 5.56mm caliber semi-automatic rifle; and five (5) rifle magazines 30 round  
12 capacity 5.56mm caliber, without having first obtained from the Department of State a  
13 license for such export and written authorization for such export.  
14

15 In violation of Title 18, United States Code, Section 2, Title 22, United States Code,  
16 Sections 2778 (b)(2) and 2778 (c), and Title 22, Code of Federal Regulations, Sections 121.1,  
17 123.1, and 127.1.

**COUNT 3**

18  
19 On or about July 30, 2008, in the District of Arizona, AARON LOREN WEEKS,  
20 CHARLES MICHAEL CARTWRIGHT, ADAM WYATT FUENTES, ASHLEY  
21 VIRGINIA BOUTCHYARD, SAUL RODRIGUEZ, JESUS GUTIERREZ, and OLEGARIO  
22 GUTIERREZ-MARTINEZ did knowingly and willfully attempt to export and send from the  
23 United States, merchandise, article, and an object contrary to any law and regulation of the  
24 United States, to wit: one (1) Panther Arms Model A-15 5.56mm caliber semi-automatic  
25 rifle; one (1) Ametec Arms, Model WM-15, 5.56mm caliber semi-automatic rifle; one (1)  
26 Bushmaster, Model XM15-E-2S, 5.56mm caliber semi-automatic rifle; (1) Olympic Arms,  
27 Model Cal. Multi 2008, 5.56mm caliber semi-automatic rifle; one (1) PWA, Model  
28



1 Commando, 5.56mm caliber semi-automatic rifle; and five (5) rifle magazines 30 round  
2 capacity 5.56mm caliber, knowing the same to be intended for exportation contrary to any  
3 law and regulation of the United States.

4 In violation of Title 18, United States Code, Sections 2 and 554.

5  
6 **COUNT 4**  
7

8 On or about July 29, 2008, in the District of Arizona, defendant CHARLES MICHAEL  
9 CARTWRIGHT, in connection with the acquisition of a firearm, did knowingly make a false  
10 statement with respect to information required by the provisions of Chapter 44 of Title 18,  
11 United States Code, to be kept in the records of Bear Arms Guns and Accessories, 10269  
12 North Scottsdale Road, Scottsdale, Arizona, a business licensed under the provisions of  
13 Chapter 44 of Title 18, United States Code, that is: defendant CHARLES MICHAEL  
14 CARTWRIGHT executed a Department of the Justice Bureau of Alcohol, Tobacco, Firearms  
15 and Explosives Form 4473, Firearms Transaction Record, stating he was the actual buyer of  
16 one (1) Bushmaster, Model XM15-E-2S, 5.56mm caliber semi-automatic rifle and one (1)  
17 PWA, Model Commando, 5.56mm caliber semi-automatic rifle, whereas in truth and in fact,  
18 another person was the true purchaser of the firearm.

19 In violation of Title 18, United States Code, Section 924(a)(1)(A).

20 **COUNT 5**

21 On or about July 29, 2008, in the District of Arizona, defendant ADAM WYATT  
22 FUENTES, in connection with the acquisition of a firearm, did knowingly make a false  
23 statement with respect to information required by the provisions of Chapter 44 of Title 18,  
24 United States Code, to be kept in the records of Randall's Firearms, 5029 West Olive  
25 Avenue, Glendale, Arizona, a business licensed under the provisions of Chapter 44 of Title  
26 18, United States Code, that is: defendant ADAM WYATT FUENTES executed a  
27 Department of Justice Bureau of Alcohol, Tobacco, Firearms and Explosives Form 4473,  
28

1 Firearms Transaction Record, stating he was the actual buyer of one (1) Panther Arms Model  
2 A-15 5.56mm caliber semi-automatic rifle and one (1) Olympic Arms, Model Cal. Multi  
3 2008, 5.56mm caliber semi-automatic rifle, whereas in truth and in fact, another person was  
4 the true purchaser of the firearm.

5 In violation of Title 18, United States Code, Section 924(a)(1)(A).

6  
7 **COUNT 6**

8 On or about June 11, 2008, in the District of Arizona, defendant Bobbi Jo Chalupa, in  
9 connection with the acquisition of a firearm, knowingly made a false statement with respect  
10 to information required by the provisions of Chapter 44 of Title 18, United States Code, to  
11 be kept in the records Lone Wolf Firearms and Trading, 5140 West Peoria Avenue, Glendale,  
12 Arizona, a business licensed under the provisions of Chapter 44 of Title 18, United States  
13 Code, that is; defendant Bobbi Jo Elizabeth Chalupa executed a Department of the Justice  
14 Bureau of Alcohol, Tobacco, Firearms and Explosives Form 4473, Firearms Transaction  
15 Record, stating she was the actual buyer of a Colt, Model (0) 1911, .38 Super caliber  
16 handgun, whereas in truth and in fact, another person was the true purchaser of the firearm.

17 All in violation of Title 18, United States Code, Section 924(a)(1)(A).

18 ///

19

20

21

22

23

24

25

26

27

28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**COUNT 7**

On or about July 28, 2008, in the District of Arizona, defendant ASHLEY VIRGINIA BOUTCHYARD, in connection with the acquisition of a firearm, knowingly made a false statement with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of a business licensed under the provisions of Chapter 44 of Title 18, United States Code, that is: ASHLEY VIRGINIA BOUTCHYARD executed a Department of the Justice Bureau of Alcohol, Tobacco, Firearms and Explosives Form 4473, Firearms Transaction Record, stating she was the actual buyer of one (1) Ametec Arms, Model WM-15, 5.56mm caliber semi-automatic rifle, whereas in truth and in fact, another person was the true purchaser of the firearm.

All in violation of Title 18, United States Code, Section 924(a)(1)(A).

**FORFEITURE ALLEGATION**

As the result of committing one or more of the foregoing offenses in violation of Title 22, United States Code, Sections 2778(b)(2) and (c), Title 18, United States Code, Section 554 and Title 18, United States Code, Section 924(a)(1)(A) as alleged in Counts 1, 2, 3, 4, 5,6 and 7 of this Indictment, defendants AARON LOREN WEEKS, CHARLES MICHAEL CARTWRIGHT, ADAM WYATT FUENTES, Bobbi Jo Elizabeth Chalupa, ASHLEY VIRGINIA BOUTCHYARD, SAUL RODRIGUEZ, JESUS GUTIERREZ, and OLEGARIO GUTIERREZ-MARTINEZ shall forfeit to the United States pursuant to 18 U.S.C. §§ 924(d)(1) and 981(a)(1)(C), all property involved in the commission of the offense, including but not limited to: Panther Arms, Model A-15, 5.56mm semi-automatic rifle, serial number FH24857; Ametec Arms, Model WM-15, 5.56mm semi-automatic rifle, serial number AM000924; Bushmaster, Model XM15-E-2S, 5.56mm semi-automatic rifle, serial number L326604; Olympic Arms, Model Cal. Multi 2008, 5.56mm semi-automatic rifle, serial number KJ 9889; PWA, Model Commando, 5.56mm semi-

1 automatic rifle, serial number 17797; five rifle magazines 30 round capacity 5.56mm  
2 caliber; and Colt, Model (0) 1911, .38 Super caliber handgun, serial number 38SS03834.

3 If any of the above-described forfeitable property as a result of any act or omission of  
4 the defendant: (1) cannot be located upon the exercise of due diligence; (2) has been  
5 transferred or sold to, or deposited with, a third person; (3) has been placed beyond the  
6 jurisdiction of the Court; (4) has been substantially diminished in value; or (5) has been  
7 co-mingled with other property which cannot be subdivided without difficulty; it is the  
8 intent of the United States, pursuant to 21 U.S.C. § 853(p) to seek forfeiture of any other  
9 property of said defendant up to the value of the above forfeitable property.

10 Pursuant to Title 18 United States Code, Sections 924(d) and 981(a)(1)(C), and Title  
11 28, United States Code, Section 2461.

13 A TRUE BILL

14 s/

FOREPERSON FOR THE GRAND JURY

15 Date: May 26, 2009

16 DIANE J. HUMETEWA  
17 United States Attorney  
18 District of Arizona

s/

19 THERESA COLE RASSAS  
20 Assistant U.S. Attorney

21  
22  
23  
24  
25  
26  
27  
28