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GRAND JURY INDICTS 17 IN FIREARMS TRAFFICKING CASES

Federal Authorities Seized Nearly 300 Guns Bought in U.S. Bound for Mexico

PHOENIX — A federal grand jury has unsealed multi-count indictments against 17 defendants in five separate cases of illegally trafficking firearms from the United States to Mexico, United States Attorney for the District of Arizona Dennis Burke announced today.

On Tuesday, members of a multi-agency law enforcement task force working on the case rounded up and arrested 9 people and served one summons on the 10 named defendants in two of the indictments. The seven remaining defendants were previously charged and are awaiting trial. Operation Too Hot to Handle involved approximately 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.

“Here in Arizona, we continue to unearth a brimming cottage industry of gun exporters to Mexican Drug Cartels. Now, it is clear — they are at times multi-state enterprises,” said Burke, who last month announced a similar flurry of indictments that ensnared 34 suspected gun traffickers. “We commend our partners at ICE and ATF for their commitment to dismantling firearms trafficking organizations. Additionally, I would like to send prayers and our deepest condolences, on behalf of our entire organization, to the family of Immigration and Customs Enforcement Agent Jaime Zapata, who was killed in the line of duty earlier this week in Mexico. We would also like to wish a speedy recovery to Agent Victor Avila, who was wounded in the same attack.”

Firearms traffickers often recruit “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 Organized Crime Drug Enforcement Task Force (OCDETF) investigation involved undercover surveillance and was led by Immigration and Customs Enforcement and the Bureau of Alcohol, Tobacco, Firearms and Explosives. 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.

“Operation Too Hot to Handle revealed the lengths that criminal organizations will go to in illegally procuring weapons for Mexican drug cartels,” said Matt Allen, special agent in charge of ICE HSI in Arizona. “With our partners at the U.S. Attorney’s Office and the ATF, we will continue to aggressively pursue those who circumvent U.S. law to fuel the drug war in Mexico.”

ATF Special Agent in Charge William Newell added, “ATF, along with our partners at ICE, will continue to focus our resources on the straw purchasers of military style rifles purchased in the U.S. and utilized by drug cartels in Mexico. The violence perpetrated by the cartels will not be tolerated.”

Summary of Indictments

- The Beltran-Bermudez indictment charges two undocumented aliens with possessing 222 AK-47 style rifles and five pistols. All these weapons were later seized in Texas.
- The remaining four indictments (Zapata, Resa, Macedo and Large) charge 15 people for allegedly making a false statement on the Bureau of Alcohol, Tobacco, and Firearms Form 4473 when purchasing firearms or agreeing with others to do so. Not only is this form required to be filled out prior to the sale of a firearm by a federally licensed firearms dealer but the dealer is also required to keep this form in its records for 20 years.
- Additionally, in the Zapata indictment both Francisco Muela Zapata and Francisco Zapata, Jr. are alleged to have recruited others to purchase firearms for them. That indictment involves 83 firearms purchased between May 18, 2010 and June 26, 2010. The Resa case is a second superseding indictment and alleges that Salvador Figueroa Resa recruited all five of his co-defendants to purchase firearms for him. Over a four-month period, the indictment charges that Resa had others buy 89 firearms on his behalf. Five of the 89 guns were purchased in August, 2010, after Resa was initially arrested and was on pretrial release.
- The penalty for committing an offense while on release carries a term of imprisonment of not more than ten years and must be served consecutive to any other sentence of imprisonment.

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 Illegal Alien in possession of a Firearm carries a maximum penalty of 10 years, a \$250,000 fine or both. In determining an actual sentence, Judge Roslyn O. Silver, Judge James A. Teilborg and Judge Neil V. Wake will consult the U.S. Sentencing Guidelines, which provide appropriate sentencing ranges. The judges, however, are not bound by those guidelines in determining a sentence.

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.

Copies of the indictments can be found here:

Case Number: CR-10-00961-PHX-NVW (U.S. v. Resa, et al.); CR-11-00231-PHX-JAT (U.S. v. Muela-Zapata, et al.); CR-10-01129-PHX-NVW (U.S. v. Macedo, et al.); CR-11-00245-PHX-ROS (U.S. v. Beltran-Bermudez, et al.); CR-10-01296-PHX-ROS (U.S. v. Large)

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