

ORIGINAL

FILED IN CHAMBERS
U.S.D.C. Atlanta

MAR 09 2010

JAMES N. HATTEN, Clerk
By: *[Signature]*
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

| | | |
|----------------------------|---|---------------------|
| UNITED STATES OF AMERICA | : | |
| | : | CRIMINAL INDICTMENT |
| v. | : | |
| | : | NO. 1:10CR0103 |
| DANIEL BERNAL-PEREZ, | : | |
| DARIO RODRIGUEZ-GOMEZ, and | : | |
| MANUEL GAMEZ-VALENZUELA | : | |

THE GRAND JURY CHARGES THAT:

COUNT ONE

1. Beginning on or before January 17, 2010, and continuing until on or about January 31, 2010, in the Northern District of Georgia, the defendants, DANIEL BERNAL-PEREZ, DARIO RODRIGUEZ-GOMEZ, and MANUEL GAMEZ-VALENZUELA, did knowingly and willfully combine, conspire, confederate, agree, and have a tacit understanding with each other and others,

(a) to violate Title 18, United States Code, Section 922(a)(1)(A), that is, that the defendants and others who were not licensed firearms importers, licensed firearms manufacturers and licensed firearms dealers, would and did agree that they would engage in the business of dealing in firearms and in the course of such business that they would ship and transport firearms in interstate and foreign commerce, and

(b) to violate Title 18, United States Code, Section 922(a)(5), that is, that the defendants and others who were not licensed firearms importers, licensed firearms manufacturers, licensed firearms dealers, and licensed firearms collectors would transfer, sell, trade, give, transport and deliver firearms to other persons who were not licensed firearms importers, licensed firearms manufacturers, licensed firearms dealers, and licensed firearms collectors, the defendants knowing and having reasonable cause to believe that such other persons did not reside in the state in which the transferor resided.

2. In furtherance of the conspiracy and to carry out the objects and purposes thereof, the defendants committed various overt acts in the Northern District of Georgia, including, but not limited to, the following:

- a. On or about January 17, 2010, DANIEL BERNAL-PEREZ called a third party and asked the third party if the third party had any firearms for sale. DANIEL BERNAL-PEREZ advised the third party that he was acting on behalf of MANUEL GAMEZ-VALENZUELA.
- b. On or about January 19, 2010, DANIEL BERNAL-PEREZ called the same third party and asked if the third party had talked to the third party's source for firearms. During this conversation DANIEL BERNAL-PEREZ stated that he

wanted to buy five to ten firearms and that the firearms would be sent to Mexico.

- c. On or about January 25, 2010, DANIEL BERNAL-PEREZ called DARIO RODRIGUEZ-GOMEZ and asked him if he knew of any firearms that were for sale. DARIO RODRIGUEZ-GOMEZ replied that he knew another individual who might be selling firearms. DANIEL BERNAL-PEREZ and DARIO RODRIGUEZ-GOMEZ agreed that they would keep in touch with each other.
- d. On or about January 30, 2010, DARIO RODRIGUEZ-GOMEZ called DANIEL BERNAL-PEREZ and told him that he had a firearm to sell him.
- e. On or about January 30, 2010, DARIO RODRIGUEZ-GOMEZ called DANIEL BERNAL-PEREZ a second time and advised that the firearm would cost \$750.00 and that he would have it later on.
- f. On or about January 30, 2010, DANIEL BERNAL-PEREZ called DARIO RODRIGUEZ-GOMEZ and discussed purchasing a firearm with him.
- g. On or about January 31, 2010, at approximately 10:24 a.m., DARIO RODRIGUEZ-GOMEZ called DANIEL BERNAL-PEREZ and advised him that he was going to bring firearms to DANIEL BERNAL-PEREZ's residence and to have the man who was going to pay for the firearms at the residence.

- h. On or about January 31, 2010, at approximately 10:49 a.m., DANIEL BERNAL-PEREZ called DARIO RODRIGUEZ-GOMEZ and DARIO RODRIGUEZ-GOMEZ advised him that he was on his way to DANIEL BERNAL-PEREZ's residence. DARIO RODRIGUEZ-GOMEZ inquired as to whether the man who was going to pay for the firearms had arrived at the residence. DANIEL BERNAL-PEREZ said that he would be over shortly.
- i. On or about January 31, 2010, DARIO RODRIGUEZ-GOMEZ drove to DANIEL BERNAL-PEREZ's residence, arriving there at approximately 11:17 a.m.
- j. On or about January 31, 2010, MANUEL GAMEZ-VALENZUELA drove to DANIEL BERNAL-PEREZ's residence, arriving there at approximately 11:45 a.m.
- k. On or about January 31, 2010, DARIO RODRIGUEZ-GOMEZ carried a box containing firearms into DANIEL BERNAL-PEREZ's residence.
- l. On or about January 31, 2010, at approximately 11:49 a.m. DANIEL BERNAL-PEREZ, DARIO RODRIGUEZ-GOMEZ and MANUEL GAMEZ-VALENZUELA met inside DANIEL BERNAL-PEREZ's residence.
- m. On or about January 31, 2010, at approximately 12:00 p.m., DARIO RODRIGUEZ-GOMEZ exited DANIEL BERNAL-PEREZ's residence and drove away in his vehicle without the firearms.

o. On or about January 31, 2010, at approximately 12:04 p.m., DANIEL BERNAL-PEREZ and MANUEL GAMEZ-VALENZUELA exited DANIEL BERNAL-PEREZ's residence and drove away in MANUEL GAMEZ-VALENZUELA's vehicle without the firearms. All in violation of Title 18, United States Code, Section 371.

COUNT TWO

On or about January 31, 2010, in the Northern District of Georgia, the defendant, DANIEL BERNAL-PEREZ, being an alien who was illegally and unlawfully present in the United States, did knowingly possess firearms, that is, one Norinco, model SKS, 7.62 X 39mm rifle, s/n 10256701, one Olympic Arms, model MFR, .223 caliber rifle, s/n NF1593, one Norinco, model SKS, 7.62 X 39mm rifle, s/n 1613463, and one Norinco, model SKS, 7.62 X 39mm rifle, s/n 1602151, said possession being in and affecting interstate and foreign commerce, all in violation of Title 18, United States Code, Section 922(g)(5).

COUNT THREE

On or about January 31, 2010, in the Northern District of Georgia, the defendant, DARIO RODRIGUEZ-GOMEZ, being an alien who was illegally and unlawfully present in the United States, did knowingly possess firearms, that is, one Norinco, model SKS, 7.62 X 39mm rifle, s/n 10256701, one Olympic Arms, model MFR, .223 caliber rifle, s/n NF1593, one Norinco, model SKS, 7.62 X 39mm

rifle, s/n 1613463, and one Norinco, model SKS, 7.62 X 39mm rifle, s/n 1602151, said possession being in and affecting interstate and foreign commerce, all in violation of Title 18, United States Code, Section 922(g)(5).

A True BILL

Sanben Brown
FOREPERSON

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