

FILED  
UNITED STATES DISTRICT COURT

AO91 (Rev. 12/03) Criminal Complaint

UNITED STATES DISTRICT COURT

08 DEC 16 AM 11:01

Judicial

DISTRICT OF

New Mexico LAS CRUCES

UNITED STATES OF AMERICA  
V.  
Erika D. GARCIA

CRIMINAL COMPLAINT

Case Number: 08-2913 mj

(Name and Address of Defendant)

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 11/26/2007 in Dona Ana County, in the Judicial District of New Mexico defendant(s) did,

(Track Statutory Language of Offense)

knowingly make a false or fictitious oral or written statement in connection with the acquisition of firearm(s) from a licensed dealer.

in violation of Title 18 United States Code, Section(s) 922(a)(6)

I further state that I am a(n) ATF Special Agent and that this complaint is based on the following facts:

Official Title

See attachment.

Continued on the attached sheet and made a part of this complaint:  Yes  No

[Signature]  
Signature of Complainant

Karl Jorgensen, Special Agent  
Printed Name of Complainant

Sworn to before me and signed in my presence,

12-16-08  
Date

at

Las Cruces NM  
City State

Carmen E. Garza  
Name of Judge Title of Judge

[Signature]  
Signature of Judge

U.S. Magistrate Judge

UNITED STATES OF AMERICA

V.

Erika D. GARCIA

**AFFIDAVIT**

I, Karl Jorgensen, being duly sworn, state as follows under oath:

1. I am a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I have worked in Federal Law Enforcement for approximately 13 years, and for the past 8 years have been employed as a Special Agent with ATF. I have completed New Professional Training at the ATF National Training Academy, and Criminal Investigator Training at the Federal Law Enforcement Training Center. In the performance of my duties I have investigated and participated in investigations involving federal firearms violations, controlled substance violations and the criminal activities of street gangs.
2. The following information in this affidavit is based on either my personal knowledge or facts relayed to me by other individuals, law enforcement officers and the review of reports and other documents. The facts outlined in this narrative are not meant to be a complete narrative of all that has occurred in connection with this investigation, but are only a summary of facts necessary to show probable cause that Erika D. GARCIA did knowingly make false oral or written statements in connection with the acquisition of firearm(s) from a licensed dealer.
3. On or about November 26, 2007 Erika D. GARCIA went to Custom Cartridge, Co., a federally licensed firearms dealer in the City of Las Cruces, New Mexico. At the store GARCIA purchased two firearms. These firearms were of the same make, model and caliber. The firearms were identified as follows:
  - a. Glock, Model 22, .40 caliber pistol displaying serial number: LEX321.
  - b. Glock, Model 22, .40 caliber pistol displaying serial number: FXR017.

GARCIA completed ATF Form 4473, Firearms Transaction Record by answering the listed questions. On page two of the ATF Form 4473 GARCIA signed the form in block 16. In block 20a. the transferor reported that GARCIA provided a New Mexico driver's license as identification. The New Mexico driver's license number was reported as: 125561721 with an expiration date of 03/22/2011. In block 2. of the ATF Form 4473 GARCIA provided her current residence address as 221 Houston Street, Columbus, New Mexico.

4. On or about November 26, 2007 Erika D. GARCIA went to Sportsman's Warehouse, a federally licensed firearms dealer in the City of Las Cruces, New Mexico. At the store GARCIA purchased two firearms. These firearms were of the same make and caliber. The firearms were identified as follows:
  - a. Glock, Model 23, .40 caliber pistol displaying serial number: LCW342.
  - b. Glock, Model 22, .40 caliber pistol displaying serial number: KZV187.

GARCIA completed ATF Form 4473, Firearms Transaction Record by answering the listed questions. On page two of the ATF Form 4473 GARCIA signed the form in block 16. In block 20a. the transferor reported that GARCIA provided a New Mexico driver's license as identification. The New Mexico driver's license number was reported as: 125561721 with an expiration date of 03/22/2011. In block 2. of the ATF Form 4473 GARCIA provided her current residence address as 221 Houston Street, Columbus, New Mexico.

5. A computerized driver's license query revealed that the above driver's license was issued to Erika D. GARCIA, 1207 Coal Ave., SW, Apt. C, Albuquerque, New Mexico. ATF Special Agents have traveled to Columbus, New Mexico in an effort to locate and verify the validity of the residential address. Agents were unsuccessful in locating 221 Houston Street, Columbus, New Mexico.
6. Special Agents subsequently traveled to the Luna County New Mexico Assessor's office to verify the existence of 221 Houston Street. The Assessor's office was unable to locate the address within county records and computerized and manual searches provided negative results.
7. On June 27, 2008 an ATF Special Agent examined firearms that had been seized during 2006 and 2007 by the Mexican military. While examining the quantity of seized firearms the Agent discovered the pistols described in paragraphs 3a. and 5b. above. The pistols were examined and photographed. The firearms; (1) a Glock, model 22, .40 caliber pistol displaying serial number LEX321, was purchased by GARCIA at Custom Cartridge Co., on 11/26/07 and (2) a Glock, model 22, .40 caliber pistol displaying serial number KZV187, was purchased by GARCIA at Sportsman's Warehouse, on 11/26/07
8. On July 29, 2008 Acting Chief Wes King of the Columbus, New Mexico Police Department was contacted. King later advised that the 200 block of addresses on Houston Street is where a school currently is located and added that a 221 numerical does not exist. King also relayed that he checked with the city water department who advised that 221 does not exist.
9. On August 12, 2008 ICE Special Agent Larry Horgan issued a subpoena for records to the Columbus Electric Cooperative, Deming, New Mexico. The subpoena requested that the business provide subscriber and billing information, local contact number, activation/deactivation dates for the period of 07/01/07 to present for 221

Houston Street, Columbus, New Mexico, or GARCIA and her social security number. On September 23, 2008 Special Agent Horgan advised that the above company advised his office that there was no subscriber/billing information or information in GARCIA's name or variations thereof, or for the address at 221 Houston Street for the requested period.

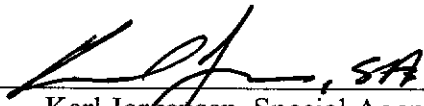
10. On October 23, 2008 SA Jorgensen was contacted by an ATF International Affairs employee and was advised that another firearm that had been purchased by GARCIA had been recovered in Mexico by the Mexican Federal Police and Mexican Army personnel on or about September 19, 2008. The seized firearm was described as an Armalite, Model AR-50, .50 caliber rifle displaying serial number: US76831. Further investigation revealed that on or about August 4, 2007 GARCIA went to Ron Peterson Firearms LLC, a federally licensed firearms dealer in the City of Albuquerque, New Mexico. At the store GARCIA purchased a firearm. This firearm was described as:

- a. Armalite, Model AR-50, .50 BMG caliber rifle displaying serial number: US76831.

GARCIA completed ATF Form 4473, Firearms Transaction Record by answering the listed questions. On page two of the ATF Form 4473 GARCIA signed the form in block 16. In block 20a. the transferor reported that GARCIA provided a New Mexico driver's license as identification. The New Mexico driver's license number was reported as: 125561721 with an expiration date of 03/22/2009. In block 2. of the ATF Form 4473 GARCIA provided her current residence address as 1207 Coal Ave., SW Apt. C., Albuquerque, New Mexico.

11. Based on the above information your affiant believes that there is probable cause to believe that Erika D. GARCIA violated Title 18 U.S.C 922(a)(6) , that is; knowingly making false or fictitious oral or written statements in connection with acquisition of firearm(s) from a licensed dealer.

This complaint was approved by United States Attorney Ron Jennings.

  
Karl Jorgensen, Special Agent  
Bureau of Alcohol, Tobacco, Firearms and Explosives

**Subscribed and sworn to before**

me this 16<sup>th</sup> day of December, 2008

  
UNITED STATES MAGISTRATE JUDGE