

UNITED STATES DISTRICT COURT
for the

WESTERN DISTRICT OF OKLAHOMA

United States of America)
v.)
Gregorio Morales-Martinez)

Case No: M-10 - 221 - P

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.


On or about the date(s) of June 9, 2010, in the Western District of Oklahoma, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 922(g)(5)(A)	Being an alien illegally and unlawfully in the United States, knowingly possessed a firearm, that is a Barrett, Model M82A1, .50 caliber semiautomatic rifle bearing serial number 1965MN0772, which was in and affecting interstate commerce, in that said firearm had previously crossed state lines to reach the state of Oklahoma

This criminal complaint is based on these facts:

See attached Affidavit of Special Agent Justin Holbert, ATF, which is incorporated and made a part hereof by reference.

X Continued on the attached sheet.




Complainant's signature
Justin Holbert
Special Agent
ATF

Sworn to before me and signed in my presence.

Date: 8/13/10

City and State: Oklahoma City, Oklahoma



Judge's signature
Gary M. Purcell, U.S. Magistrate Judge
Printed name and title

STATE OF OKLAHOMA)
) SS
COUNTY OF McCLAIN)

AFFIDAVIT

I, Justin Holbert, hereinafter your affiant, being duly sworn, do hereby state that I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), a Division of the United States Department of Justice, having been so employed since 2007. As a Special Agent with ATF, I am vested with the authority to investigate violations of Federal laws including Title 18 and Title 26 of the United States Code. The facts contained in this affidavit were discovered by me or related to me by other Law Enforcement Officers.

FURTHER, YOUR AFFIANT STATE AS FOLLOWS:

This affidavit is presented for the purpose of seeking an arrest warrant for **Gregorio Morales-Martinez**, DOB xxxx1975. This warrant is being sought for violation of United States Code, Title 18, Section 922(g)(5)(A).

On June 8, 2010, a cooperating witness (CW) made arrangements to sell Javier Francisco Reyes two rifles. At approximately 5:50p.m. the CW proceeded to the meet location to wait for Reyes.

On the same day at approximately 6:27p.m. Reyes left his apartment located at the Regency Tower Apartments, 333 N. W. 5th Street in Oklahoma City wearing a brown shirt and blue jeans. ATF Task Force Officers observed Reyes retrieve a metal ticket book from his OBN patrol car prior to leaving in his Chevrolet Tahoe.

At approximately 6:32p.m. Reyes arrived at the Bass Pro shop and drove to the rear parking lot where he met with the CW. At approximately 6:37p.m., the CW placed the firearms (both the Barrett, Model M82A1, .50 caliber semiautomatic rifle bearing serial number 20140 and the Century WASR-10 7.62x39 caliber rifle, bearing serial number 1965MN0772) in the backseat of Reyes' blue Chevy Tahoe bearing Texas Tag 805 PLR. The CW and Reyes entered the Tahoe to complete the paper work for the transfer of the firearms. Agents followed Reyes back to the Regency Tower Apartments, where he and the firearms remained for the night. Neither the Barrett Rifle nor the Century rifle were manufactured in the State of Oklahoma.

On June 9, 2010, ATF agents conducting surveillance on Reyes saw him leave his apartment and begin traveling west on I-40 until exiting at highway 281 towards Woodward, Oklahoma. Reyes continued on highway 281 until reaching Woodward, Oklahoma. Once in Woodward, Reyes went to Butch's Guns located at 5005 Oklahoma Ave, Woodward, Oklahoma. Reyes went into Butch's Guns and returned to his Tahoe after a short while. Reyes then drove back towards Oklahoma City. Agents continued following Reyes on I-40 until he exited onto I-35 South towards Norman, Oklahoma. Reyes continued driving south on I-35 until he exited onto Johnson Avenue in Purcell, Oklahoma, arriving at approximately 8:18p.m. Reyes parked in an abandoned parking lot on the west side of I-35 just at the bottom of the off ramp.

SA Williams drove south on Johnson Avenue where he noticed a black BMW Z-3 (Texas Tag GVF310) parked on the side of the road with a Hispanic male later identified

as **Gregorio Morales-Martinez** sitting in the driver's seat. SA Williams took note of the vehicle because it did not fit into the area where it was parked. The engine was running, and **Gregorio Morales-Martinez** was watching every car that drove by.

At approximately 8:38p.m. **Gregorio Morales-Martinez** in the BMW began traveling South on I-35, and Reyes began traveling North on I-35. Utilizing unique surveillance techniques, agents determined that the Barrett .50 caliber rifle purchased from the CW was being transported in the Black BMW. At approximately 8:45p.m. the BMW exited at Oklahoma Highway 74 in Purcell, Oklahoma, and pulled into a Shell gas station. At the station the **Gregorio Morales-Martinez** met with a gray Land Rover Discovery (Texas Tag BF7-S397), and the two left the station at approximately 8:51p.m. The two cars drove south on I-35 driving into Texas and continuing to Lewisville, Texas.

The two cars exited onto Justin Road and the BMW was stopped by Lewisville Police Department for identification. The driver of the BMW was identified as **Gregorio Morales**, xxxx1976, 1383 Honeysuckle Lane, Lewisville, Texas. While the BMW was stopped, agents continued following the Land Rover Discovery until it was determined if the Barrett .50 caliber rifle had been moved into the Land Rover Discovery while at the Shell station. Once again utilizing unique surveillance techniques it was determined that the Barrett .50 caliber rifle was now being transported in the Land Rover Discovery. The Land Rover Discovery continued to a residence located at 1383 Honeysuckle Lane in Lewisville, Texas arriving at approximately 8:58p.m. Approximately 30 minutes later the Black BMW driven by **Gregorio Morales** arrived at the residence located at 1383 Honeysuckle Drive.

On July 27, 2010, Immigration and Customs Enforcement (ICE) Special Agent Keith Atkins conducted a records check regarding **Gregorio Morales-Martinez**. SA Atkins advised that **Morales'** true full name and date of birth are **Gregorio Morales-Martinez**, xxxx/1975, and that **MORALES** was/is a citizen and national of Mexico who claims to have last entered the United States illegally on or about December 1, 1999 near Matamoros, Mexico. At the time of his entry, he was neither admitted nor paroled by an immigration officer.

Based upon the above aforementioned facts and circumstances, your affiant believes that probable cause exists that on or about June 9, 2010, in the area of I-35 and Johnson Avenue, Purcell, McClain County, Oklahoma, in the Western District of Oklahoma, **Gregorio Morales-Martinez**, being an ^{amb &} alien illegally in the United States knowingly possess the Barrett .50 caliber rifle, affecting interstate commerce, in violation of United States Code, Title 18, Section 922(g)(5)(A).

FURTHER THE AFFIANT SAITH NOT



JUSTIN HOLBERT
Special Agent, ATF

Subscribed and Sworn to before me this 13th day of August 2010.



GARY M. Purcell
U. S. MAGISTRATE JUDGE

CRIMINAL COVER SHEET

U.S. District Court, Western District of Oklahoma

Petty Misdemeanor Felony

Case No. M-10-221-P

Number of Counts 1 Number of Defendants 1

USAOID No. _____ By: abh

COMPLAINT Sealed: Yes No OCDEF: Yes No Notice Summons Writ Warrant to Issue

DEFENDANT: GREGORIO MORALES-MARTINEZ			
Alias(es):		Address:	
		Phone:	
Age&DOB: 34- --/--/76	SS#:	Juvenile: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Interpreter: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
SEX: M <input checked="" type="checkbox"/> F <input type="checkbox"/>	RACE: Hispanic	Language/Dialect: Spanish	

Defendant Status:

<input type="checkbox"/> Not in Custody	Type of Bond Recommended on this Charge:
	OR <input type="checkbox"/> Cash <input type="checkbox"/> 10% <input type="checkbox"/> Unsecured <input type="checkbox"/> Surety <input type="checkbox"/>
Bond set at: \$ _____ Date: _____	Bond in Amount of: \$ _____
Current Bond on Other Charge Federal <input type="checkbox"/> State <input type="checkbox"/>	
<input checked="" type="checkbox"/> In Jail at: Rolling Plains Detention Center, Haskell, Texas	Under Prisoner/Register No.: _____ Detention <input checked="" type="checkbox"/>

Prior Proceedings or Appearance(s) Before U.S. Magistrate Judge:

Case No. M-	Government Motion to Detain: Yes <input type="checkbox"/> No <input type="checkbox"/>
Complaint: Yes <input type="checkbox"/> No <input type="checkbox"/>	Bond Set: _____ Date: _____

Related Case Information:

Previous Case No.	Rule 20/Rule 5 from District of: _____
Additional Defendants: Yes <input type="checkbox"/> No <input type="checkbox"/>	Total Number of defendants: _____

Attorney Information:

Defense Counsel:	AUSA: Wm. Lee Borden, Jr.	
Address:	Phone: 405/553-8755	Fax: 405/553-8888
Phone: _____	Fax: _____	Federal Agent/Agency: Holbert/ATF
Retained <input type="checkbox"/> CJA Panel <input type="checkbox"/> Public Defender <input type="checkbox"/>	Local Agent/Agency: _____	

<u>Count(s)</u>	<u>USC Citation(s)</u>	<u>Offense(s) Charged</u>	<u>Penalty</u>
1	18:922(g)(5)(A)	Alien in possession of a firearm	NMT 10 yrs. imprisonment; \$250,000 fine; NMT 3 yrs. S.R. (2 if revoked); \$100 S.A.

Date: 8/13/10

Signature of AUSA  800/6-97