

AO 91 (Rev. 5/85) Criminal Complaint

UN-000001 3/9/10  
to this instrument are prohibited by court order.

# United States District Court

United States District Court  
Southern District of Texas  
FILED

SOUTHERN

DISTRICT OF

TEXAS

MAR 09 2010

UNITED STATES OF AMERICA

v.

Jenni Otilia CORTEZ

CRIMINAL COMPLAINT

Clerk of Court

CASE NUMBER: B-10-289-MJ

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about September 09, 2008 in Harris county, in the Southern District of Texas defendant did,

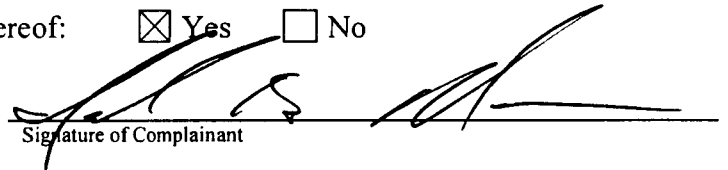
in connection with the acquisition of a firearm from Fountain Firearms, a licensed dealer of firearms within the meaning of Chapter 44, Title 18 United States Code, knowingly made a false and fictitious written statement which was intended and likely to deceive Fountain Firearms as to a fact material to the lawfulness of such sale of firearm to the defendant, in that the defendant represented she was the true purchaser of the firearm when in fact she was not and that she resided at a certain address when in fact she did not

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

I further state that I am a(n) U.S. Immigration & Customs Enforcement Special Agent and that this complaint is based on the

following facts: **See Attachment A.**

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

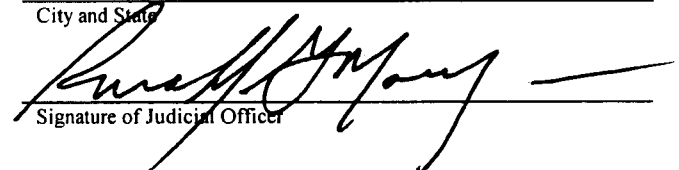
  
Signature of Complainant

Sworn to before me and subscribed in my presence,

March 9, 2010  
Date

at Brownsville, Texas  
City and State

Ronald G. Morgan, U.S. Magistrate Judge  
Name & Title of Judicial Officer

  
Signature of Judicial Officer

ATTACHMENT A

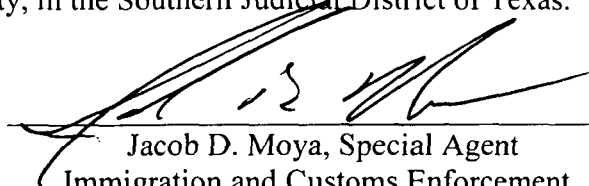
AFFADAVIT

I, Jacob D. Moya, your affiant, being sworn and deposed, state the following:

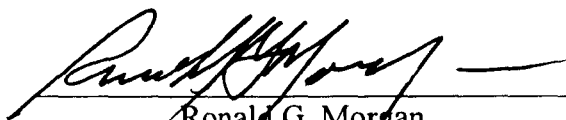
1. I am a Special Agent with the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE), Office of Investigations, currently assigned to the Assistant Special Agent in Charge (ASAC), Brownsville, Texas (BV). I have been employed with Immigration and Customs Enforcement for approximately one (1) year. Prior to my assignment to the Office of Investigations, I was a United States Customs and Border Protection Officer. During my twenty two (22) month tenure with the United States Customs and Border Protection, I conducted a wide range of law enforcement functions that dealt with the violations of federal law, to include narcotics violations. I have been involved with numerous narcotic seizures and arrests of narcotic violators. I obtained a Bachelor of Arts degree in Criminal Justice from Sam Houston St. University. I worked as a Correctional Officer for the Texas Department of Criminal Justice for approximately three (3) years and served honorably in the United States Army Reserves for eight (8) years. I work closely with agents of the Internal Revenue Service Criminal Investigations Division, the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), Customs and Border Protection (CBP), and other state and local agencies. I have been involved in the investigation of violations of the Controlled Substance Act for approximately one (1) year. My present responsibilities include the investigation of violations of Title 8, 18, 19, 21, and 31 of the United States Code and related offenses.
2. Special Agent Gaetano Beato is a Special Agent for the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives and has been employed since August 2003. Special Agent Gaetano Beato was previously employed as a military policeman for the United States Air Force. Special Agent Gaetano Beato has attended formal training in the United States Air Force Military Police Academy, the Federal Law Enforcement Training Center and the ATF National Academy in Glynco, Georgia. Special Agent Gaetano Beato has received training in the enforcement of the various criminal statutes enacted in the Gun Control Act of 1968 (GCA) and in the National Firearms Act of 1934 (NFA). Special Agent Gaetano Beato's duties include the investigation of violations of the Federal Firearms Laws. As a result of his training and experience as an ATF Special Agent, Special Agent Gaetano Beato is familiar with federal firearms laws and knows that it is a violation of Title 18, United States Code, Section 924(a)(1)(A) to knowingly make false material statements during the acquisition of firearms.
3. **During the course of this investigation, I have learned the following regarding false answers to questions on an ATF Form 4473 and false statements to a Federal Firearms Licensee:**

- A. On or about September 9, 2008, ATF Agents learned through an ATF firearms tracing database that Jenni Otilia CORTEZ (J. CORTEZ) had purchased large numbers of commonly trafficked firearms, such as Fabrique Nationale (FN), Model five-seven, 5.7 x 28mm caliber, semi-automatic pistols, and AR-15 variant, .223 caliber, semi-automatic, rifles. Upon review of the purchasing records, surveillance tapes, and interviews of federal firearms licensees, ATF Agents discovered that Fernando HUEZO (F. HUEZO) (Jenni CORTEZ' common law husband) and John HUEZO (F. HUEZO's brother) were also purchasing the same types of firearms while in the company of J. CORTEZ.
- B. Since September 2008 until present, J. CORTEZ has used her Texas Driver's License to purchase forty-three (43) firearms which totaled approximately \$42,025.45. Many of the firearms cost in excess of \$1,000.00 USD individually.
- C. Since September 2008 until present, ATF Agents are aware of fifteen (15) of the forty-three (43) firearms J. CORTEZ purchased were traced back to J. CORTEZ after they were recovered by law enforcement authorities in Mexico and by Guatemala officials in Guatemala. Three (3) of the fifteen (15) firearms that were recovered were recovered in Guatemala within fourteen (14) days after the date of purchase.
- D. J. CORTEZ completed an ATF Form 4473 at least twenty-three (23) times when she purchased the forty-three (43) firearms at several different Federal Firearms Licensed Dealers and Gun Shows within the Houston area. The ATF Form 4473's were provided to J. CORTEZ by Federal Firearms Licensed Dealers. J. CORTEZ put her current address as [REDACTED], Houston, Texas 77067. A record check through the Harris County Appraisal District, of [REDACTED], Houston, Texas revealed Ana M. CORTEZ (A. CORTEZ) as the owner of this residence. A. CORTEZ is the mother of J. CORTEZ.
- E. On March 4, 2010, ATF Agents went to the [REDACTED], Houston, Texas and came in contact with A. CORTEZ. A. CORTEZ stated J. CORTEZ does not currently reside at [REDACTED], Houston Texas. A. CORTEZ also stated that J. CORTEZ has not lived at [REDACTED] [REDACTED] for approximately five (5) years.
- F. Records indicate that J. CORTEZ used [REDACTED] Conroe, Texas 77302 as the address on her Bank of America bank account. Personal Bank of America account checks written by J. CORTEZ have the [REDACTED] address listed on the top left corner of the checks.
- G. 2010 Montgomery County Appraisal District records show J. Cortez and A. Cortez as the current owners of the residence located at [REDACTED], Conroe, Texas.

- H. The Deed of Trust for [REDACTED], Conroe, Texas lists J. CORTEZ and A. CORTEZ as the Grantors (Trustor) for the residence, dated November 1, 2004. The Deed of Trust document was obtained by the Montgomery County Clerks Office.
- I. Quadvest water utility service records show that they have provided services for [REDACTED], Conroe, Texas since 2007 under the name J. CORTEZ.
4. J. CORTEZ violated Title 18, United States Code, Section 924(a)(1)(A) when she willfully violated Title 18, United States Code, Section 922(a)(1)(a) (False Material Statement to a Federal Licensee) by completing and signing an ATF Form 4473, Firearms Transaction Record, making a false material statement in connection with the purchase of forty-three (43) firearms as described in the paragraphs listed above.
5. Based on the above information, your affiant believes Jenni Otilia CORTEZ violated Title 18, United States Code, Section 924(a)(1)(A) on twenty-three (23) separate occasions when she purchased the forty-three (43) firearms at several different Federal Firearms Licensed Dealers. These violations occurred within Houston, Texas, Harris County, in the Southern Judicial District of Texas.

  
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Jacob D. Moya, Special Agent  
Immigration and Customs Enforcement

Sworn to and subscribed before me on this 9<sup>th</sup> day of March 2010.

  
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Ronald G. Morgan  
United States Magistrate Judge

*Reviewed by AUSA  
Megan J. Paulson*