

United States District Court
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

FEB - 7 2006

Michael N. Milby
Clerk of Court

UNITED STATES OF AMERICA

vs

MIGUEL DE LA GARZA
ANUAR PINALES
BRENDA ORTEGA
ROY BARRIOS
ESTER ZEPEDA

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CRIMINAL NO.

B-06-122

AMENDED
INDICTMENT *3/29/06*
Hat/sc

THE GRAND JURY CHARGES:

COUNT ONE

From on or about June 16, 2004, and continuing thereafter until on or about October 19, 2004, in the Southern District of Texas and within the jurisdiction of the court, the defendants,

MIGUEL DE LA GARZA,
ANUAR PINALES,
BRENDA ORTEGA,
AND
ROY BARRIOS

did knowingly and willfully conspire and agree together and with each other, and with other persons known and unknown to the Grand Jurors to Violate Title 18, United States Code, Section 924(a)(1)(A), that is, the object of their conspiracy and agreement was to knowingly make false statements and representations with respect to the information required to be kept in the records of a licensed dealer under Chapter 44 of Title 18, United States Code.

MANNER AND MEANS OF THE CONSPIRACY

1. It was part of the conspiracy that, the defendant MIGUEL DE LA GARZA would recruit individuals which included, the defendants, Anuar Pinales, Brenda Ortega, and Roy Barrios, to purchase firearms for the defendant, MIGUEL DE LA GARZA, for the purpose of taking the firearms to Mexico.

2. It was further part of the conspiracy that, the defendant, MIGUEL DE LA GARZA, would provide the money for the purchase of the weapons and instruct the co-conspirators as to which weapons to buy.

3. Finally, it was also part of the conspiracy that the purchasers of the firearms, which included the defendants, ANUAR PINALES, BRENDA ORTEGA, ROY BARRIOS would acquire and attempt to acquire firearms from licensed dealers by knowingly making false and fictitious statements and representations with respect to the information required to be kept in the records of a licensed dealer under Chapter 44 of Title 18, United States Code.

OVERT ACTS:

1. On or about July 20, 2004, the defendant, MIGUEL DE LA GARZA, provided money to defendant, Anuar Pinales, for the purchase of a firearm.
2. On or about July 20, 2004, the defendant, Anuar Pinales, purchased one Bushmaster, .223 caliber pistol, serial number D04767, from Ricky's Gun and Ammunition, by knowingly making a false statement and representation.
3. On or about July 26, 2004, the defendant, Miguel De La Garza, provided money to Anuar Pinales, for the purchase of firearms.
4. On or about July 26, 2004, the defendant, Anuar Pinales, purchased four Colt, M4

.223 caliber semi-automatic rifles, serial numbers MTM403927, MTM403966, MTM404012, MTM404024, from Ricky's Gun and Ammunition, by making a false statement and representation.

5. On or about October 6, 2004, the defendant Miguel De La Garza gave the defendant Brenda Ortega \$5,000.00 dollars to purchase a firearm for him.

6. On or about October 6, 2004, the defendant, Brenda Ortega purchased a Barrett rifle, .50 caliber rifle, serial number 7844, from The Trading Post, by making a false statement and representation.

7. On or about August 17, 2004, the defendant, Roy Barrios, purchased two Colt, .223 caliber rifles, Model M4, serial numbers MTM404103, MTM403842, by making a false statement and representation. The money for the purchase of the rifles was provided by the defendants, MIGUEL DE LA GARZA and ANUAR PINALES.

In violation of Title 18, United States Code, Sections 371, 924(a)(1)(A).

COUNT TWO

On or about July 20, 2004, in the Southern District of Texas, and within the jurisdiction of the court, the defendant,

ANUAR PINALES,

knowingly made a false statement and representation with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Fern Enterprises Inc., Ricky's Gun and Ammunition, a person licensed under the provisions of Chapter 44 of Title 18, United States Code, in that the defendant ANUAR PINALES, did execute a Department of the Treasury, Bureau of Alcohol, Tobacco and

Firearms Form 4473, Firearms Transaction Record, to the effect that he was the actual buyer of two Bushmaster, Carbon 15, Type 97, .223 caliber rifles, serial numbers D04767, and D04928, whereas in truth and in fact, he was acquiring the firearms on behalf of another person.

In violation of Title 18, United States Code, Section 924(a)(1)(A) and Title 18, United States Code, Section 2.

COUNT THREE

On or about October 6, 2004, in the Southern District of Texas, and within the jurisdiction of the court, the defendant,

BRENDA ORTEGA,

knowingly made a false statement and representation with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Greenwood, Frederick H., Trading Post., a person licensed under the provisions of Chapter 44 of Title 18, United States Code, in that the defendant BRENDA ORTEGA, did execute a Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms Form 4473, Firearms Transaction Record, to the effect that she was the actual buyer of one Barrett, .50 caliber rifle, serial number 7844, whereas in truth and in fact, she was acquiring the firearm on behalf of another person,

In violation of Title 18, United States Code, Section 924(a)(1)(A) and Title 18, United States Code, Section 2.

COUNT FOUR

On or about October 18, 2004, in the Southern District of Texas, and within the jurisdiction of the court, the defendant,

BRENDA ORTEGA,

knowingly made a false statement and representation with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Academy Ltd. #30, a business licensed under the provisions of Chapter 44 of Title 18, United States Code, in that the defendant BRENDA ORTEGA, did execute a Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms Form 4473, Firearms Transaction Record, to the effect that she was the actual buyer of one Remington, .22 caliber rifle, Model 597, serial number 2973747M, whereas in truth and in fact, she was acquiring the firearm on behalf of another person.

In violation of Title 18, United States Code, Section 924(a)(1)(A) and Title 18, United States Code, Section 2.

COUNT FIVE

On or about August 17, 2004, in the Southern District of Texas, and within the jurisdiction of the court, the defendant,

ROY BARRIOS

knowingly made a false statement and representation with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of ~~the Trading Post~~ ^{Ricky's Gun and Ammunition} ~~400~~ ^{RB}, a person licensed under the provisions of Chapter 44 of Title 18, United States Code, in that the defendant, ROY BARRIOS, did execute a Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms Form 4473, Firearms Transaction

Record, to the effect that he was the actual buyer of two Colt, Model M4, .223 caliber rifles, serial numbers MTM404103 and MTM403841, whereas in truth and in fact, he was acquiring the firearm on behalf of another person,

In violation of Title 18, United States Code, Section 924(a)(1)(A) and Title 18, United States Code, Section 2.

COUNT SIX

On or about August 5, 2004, in the Southern District of Texas, and within the jurisdiction of the court, the defendant,

ESTER MARIE ZEPEDA,

knowingly made a false statement and representation with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Glick Twins, a person licensed under the provisions of Chapter 44 of Title 18, United States Code, in that the defendant, ESTER MARIE ZEDEDADA, did execute a Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms Form 4473, Firearms Transaction Record, to the effect that she was the actual buyer of two firearms, one Bushmaster, Model M4, .223 caliber rifle, serial number BFI417276, and one Bushmaster, Model T97, .223 caliber pistol, serial number D04416, whereas in truth and in fact, she was acquiring the firearms on behalf of another person.

In violation of Title 18, United States Code, Section 924(a)(1)(A) and Title 18, United States Code, Section 2.

A TRUE BILL:

FOREPERSON OF THE GRAND JURY

CHUCK ROSENBERG
UNITED STATES ATTORNEY



JOSE A. ESQUIVEL, JR.
Assistant United States Attorney

TRUE COPY I CERTIFY
ATTEST:
MICHAEL N. MILBY, CLERK

By Michael N. Milby
Deputy Clerk