

AO 91 (Rev. 3/99) Criminal Complaint

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

United States District Court
Southern District of Texas
FILED

JUN - 8 2009

UNITED STATES OF AMERICA

V.

Michael N. Milby, Clerk

CRIMINAL COMPLAINT

Bernardo GARZA
United States Citizen
Y.O.B. 1965

CASE NUMBER: *M-09-3621-M*

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 April 11, 2009 in Hidalgo County, in the Southern District of Texas, defendant(s) did, (Track Statutory Language of Offense)

Did knowingly and intentionally make a false statement or representation with respect to the information required to be kept in the records of a Federal Licensed Firearms Dealer.


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

I further state that I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives and that this complaint is based on the following facts:

(SEE ATTACHMENT A)

Continued on the attached sheet and made a part hereof: YES NO

Approved for filing


 SA ATF
Signature of Complainant

Sworn to before me and subscribed in my presence,
6/8/09
Date at


Dorina Ramos, U. S. Magistrate Judge

McAllen, Texas
City and State

Name and Title of Judicial Officer

Signature of Judicial Officer

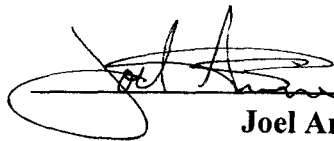
ATTACHMENT A

The facts establishing the foregoing issuance of an arrest warrant are based on the following:

I, Special Agent Joel Arnwine, affiant, do hereby depose and state the following:

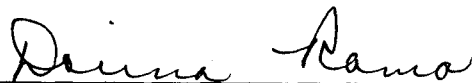
- 1. I am a Special Agent of the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives. I have been a law enforcement officer for over 22 months.**
- 2. My duties include the investigation of violations of the federal firearm laws. I know it to be unlawful for a person to knowingly make a false statement or representation with respect to the information required to be kept in the records of a Federal Licensed Firearms Dealer.**
- 3. On April 17, 2009, your affiant learned from Immigration and Customs Enforcement (ICE) Special Agent (SA) Chris Lobato that ICE had arrested an individual who attempted to illegally transport a firearm, namely a Beretta, Model 92FS, 9mm pistol, Serial Number (s/n): BER489902. It was discovered that the aforementioned firearm was purchased on April 11, 2009, by Bernardo GARZA, from Glick Twins located in Pharr, Texas. Glick Twins is a Federal Firearms Licensee (FFL).**
- 4. On June 4, 2009, your affiant interviewed Bernardo GARZA at the ATF McAllen Field Office located in McAllen, Texas. Your affiant advised GARZA of his Miranda Rights utilizing ATF Form 3200.4 (Advice of Rights and Waiver). GARZA waived his rights and agreed to speak to your affiant without the presence of an attorney. During the interview, GARZA admitted that an unnamed individual recruited him to purchase firearms. GARZA refused to identify the name of the individual and only referred to this individual as the "recruiter." GARZA stated that he began purchasing firearms for the "recruiter" on or about May of 2008. GARZA stated that he has known the "recruiter" for several years. GARZA stated that when purchasing firearms, the "recruiter" would contact GARZA and GARZA**

would travel to the "recruiter's" residence. At that time, the "recruiter" would give GARZA money to purchase firearms and describe to GARZA the type of firearm(s) to purchase. GARZA stated that the "recruiter" would sometimes travel to the gun store (FFL) with GARZA. GARZA stated that he would enter the gun store by himself. GARZA stated that he would proceed to fill out ATF Form 4473 (Firearms Transaction Record). On question 11a that asks, "Are you the actual transferee/buyer of the firearm(s) listed on this form?", GARZA would falsely check yes, indicating that he was the actual buyer of the firearms. GARZA would then pay for the firearm(s) with the money given to him by the "recruiter". GARZA stated that he would then transfer the firearm to the "recruiter." GARZA would also give the "recruiter" the leftover change from the firearm transaction. The "recruiter" would then give GARZA approximately \$200.00 for every firearm he purchased. GARZA stated that he believed the firearms were being taken into Mexico. GARZA stated that he knew what he was doing was illegal from the beginning, but continued to straw purchase firearms. During this investigation, your affiant learned that GARZA purchased at least eighteen (18) firearms. Additionally, your affiant discovered that two of the firearms purchased by GARZA were recovered in Mexico.



Joel Arnwine
Special Agent, ATF

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE



Dorina Ramos, United States Magistrate Judge

6/8/09

DATE