

AO 91 (Rev. 3/99) Criminal Complaint

United States District Court  
Southern District of Texas  
FILED

# UNITED STATES DISTRICT COURT

MAY 21 2009

## SOUTHERN DISTRICT OF TEXAS

Michael N. Milby Clerk

UNITED STATES OF AMERICA

V.

### CRIMINAL COMPLAINT

**Oscar Bravo HERNANDEZ**  
**YOB: 1971, Mexico**

**Luis Javier LIRA Jr.**  
**YOB: 1976, USC**

CASE NUMBER: *M-09-3236-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 May 20, 2009, in Hidalgo County, in the Southern District of Texas, defendant(s) did,

conspire to knowingly make false written statements or representations with respect to the information required to be kept in the records of a licensed Federal firearms dealer,

in violation of Title 18 United States Code, Section 371 and 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 to file  
Terry Leonard  
Asst U.S. Attorney*

*Noel R. Rangel* ATF SA #4960  
Signature of Complainant, Noel R. Rangel

Sworn to before me and subscribed in my presence,

May 21, 2009 at \_\_\_\_\_  
Date

McAllen, Texas  
City and State

Peter Ormsby, U. S. Magistrate Judge  
Name and Title of Judicial Officer

*Peter Ormsby*  
Signature of Judicial Officer

**ATTACHMENT A**

**I, Special Agent Noel R. Rangel, 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 nine years.**
- 2. My duties include the investigation of violations of the Federal firearms laws. I know it to be unlawful for a person to knowingly make any false statement or representation with respect to the information required to be kept in the records of a licensed Federal Firearms Dealer. The facts establishing the foregoing issuance of an arrest warrant are based on the following:**
- 3. Previously, your affiant received information reference an individual named Luis Javier LIRA Jr. who purchased several firearms from various local Federal Firearm Licensees. During this investigation, your affiant discovered that LIRA purchased a total of 20 firearms to include ten (10) Colt .38 super caliber pistols, five (5) .223 caliber rifles, four (4) Beretta pistols and one (1) 7.62X39 caliber rifle. These firearms are highly trafficked firearms extremely desired by drug trafficking organizations in Mexico. Additionally, your affiant identified an additional Cooperating Defendant (CD) who admitted to straw purchasing fourteen (14) similar firearms. The CD also admitted that he and LIRA purchased firearms for the same individuals who drove a white Nissan Armada. As a result, your affiant asked local Federal Firearms Dealers to be notified should LIRA attempted to purchase additional firearms.**
- 4. On May 20, 2009, at approximately 4:00 p.m., your affiant received information that LIRA was attempting to purchase two AR-15 type rifles from Danny's Pawn and Sporting Goods. Your affiant along with additional ATF agents established surveillance of LIRA. As your affiant arrived at Danny's Pawn and Sporting Goods, your affiant observed a white Nissan Armada bearing Texas License Plate Number (TXLP): JJW-023 parked on the north side of the gun store. Several minutes later, your affiant observed an individual matching the description of LIRA exit the store with two firearm boxes and walk toward the white Nissan Armada. After several minutes, your affiant observed the white Nissan Armada SUV travel south on Broadway St. in McAllen, Texas. ATF agents followed the white Nissan Armada to the parking lot located between the Red Roof Inn and the Country Pancake House located at 4325 N. Cage in Pharr, Texas. ATF Agents observed a Hispanic male exit the white Nissan Armada and throw what appeared to be two firearm boxes into the dumpster located in the parking lot. The white Nissan Armada briefly exited the parking lot and returned to meet with a grey Chevrolet sedan. After the brief meeting, your affiant observed the white Nissan Armada travel south on 281 Expressway frontage and then travel west on Expressway 83. As the white Nissan Armada traveled west on Expressway 83, your affiant advised local law enforcement of the location of the white Nissan Armada. As the white Nissan Armada entered La Joya, Texas, La Joya Police Officer Cesar Saenz #108 conducted a traffic stop on the white Nissan Armada bearing TXLP: JJW-023 for having dark tinted windows. La Joya PD Officer Saenz and ATF SA Bennie Mims made contact with the driver who identified himself as Oscar Bravo HERNANDEZ. At this time, your affiant made contact with the passengers of the vehicle, Sergio Rafael Lopez, Luis Javier LIRA Jr. and Jorge Alberto Ruiz-Ramirez. Your affiant asked to speak to LIRA reference his firearms purchases. Your affiant informed LIRA**

of this investigation and reminded him of the importance of telling the truth. LIRA voluntarily provided the following information:

- LIRA stated that he purchased two firearms earlier from Danny's Pawn and Sporting Goods and the firearms were inside the white Nissan Armada. When asked about the whereabouts of the other firearms he had purchased, LIRA informed your affiant that he no longer had possession of them. LIRA also stated that he purchased the firearms for another individual who provided him the money to purchase the firearms. LIRA was detained pending further investigation.
5. ATF SA Mims and La Joya PD Officer Saenz asked HERNANDEZ for consent to search the white Nissan Armada. HERNANDEZ gave SA Mims written consent to search the vehicle. Additionally, SA Mims asked HERNANDEZ if he had any firearms inside the vehicle. HERNANDEZ stated that he did and HERNANDEZ opened the rear passenger cargo area of the vehicle where SA Mims observed a Smith & Wesson, Model: M&P-15, .223 caliber rifle, Serial Number: SM29796 and a PTR-91 INC., Model: PTR-91, .308 caliber rifle, Serial Number: AW5759. Additionally, ATF SA Mims discovered the following during the consent search of the vehicle:
- A Izhmash, Model: Cantu, 7.62 caliber rifle, Serial Number: H06600777 contained in a soft gun case and additional firearm magazines.
6. Your affiant then approached HERNANDEZ and advised him of this investigation and informed him of the importance of being truthful. HERNANDEZ informed your affiant that he knew what he was doing was wrong and expressed his willingness to cooperate. At this time, your affiant advised HERNANDEZ of his Miranda Rights in the Spanish language utilizing ATF Form 3200.4 (Advise of Rights and Waiver). HERNANDEZ signed the form acknowledging that he understood his rights and agreed to speak to your affiant without the presence of an attorney. HERNANDEZ provided the following information:
- HERNANDEZ stated that he worked for an individual named "El Perro" receiving \$200 for every firearm he acquired for "El Perro." HERNANDEZ stated that on this date, he met with "El Perro" who gave him \$4,000 to purchase firearms. HERNANDEZ was instructed to meet with LIRA and drive LIRA to Danny's Pawn and Sporting Goods. HERNANDEZ gave LIRA money to purchase the firearms. Additionally, HERNANDEZ stated that he met with an individual driving a grey Chevrolet sedan and purchased the 7.62 caliber rifle for a total of \$2,000. HERNANDEZ was on his way to Rio Grande City, Texas to await additional orders from "El Perro" when he was stopped by police. Furthermore, HERNANDEZ was to pay LIRA \$100 for the straw purchase. Lastly, HERNANDEZ stated that "El Perro" would take the firearms into Mexico and on one occasion, HERNANDEZ smuggled three pistols into Mexico through the Falcon Dam Port of Entry while the pistols were contained in the white Nissan Armada.
7. Upon arriving at the ATF Field Office, your affiant and ATF SA Jeremy Holloway advised Luis Javier LIRA Jr. of his Miranda Rights in the Spanish language utilizing ATF Form 3200.4 (Advise of Rights and Waiver). LIRA signed the form acknowledging that he understood his rights and agreed to speak to your affiant without the presence of an attorney. LIRA provided the following information:

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- LIRA stated that he began straw purchasing firearms when he met an individual named "El Gordo." On this date, "El Gordo" instructed LIRA to meet with the driver of a white Nissan Armada who LIRA knew as "Oscar." LIRA identified "Oscar" as Oscar HERNANDEZ. LIRA received money from HERNANDEZ to purchase firearms previously described to him by "El Gordo." HERNANDEZ drove LIRA to the gun store where LIRA purchased an AR-15 type rifle and a .308 caliber rifle.
- LIRA stated that he knew what he was doing was illegal but continued to straw purchase firearms. On one occasion, "El Gordo" instructed LIRA to tell the clerk at the gun store that the firearms were for him (LIRA) if LIRA was ever asked. LIRA also stated that he knew that the firearms were going to be taken into Mexico.

Noel Rangel ATF SA #4960

Noel R. Rangel  
Special Agent, ATF

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE

Peter Ormsby

Peter Ormsby, United States Magistrate Judge

May 21, 2009

DATE