

the defendants under Chapter 44 of Title 18, in that the defendants provided or induced others to provide false information about the residency status of the person who was purchasing the firearm, knowing the information was false, and knowing that the true purchaser of the firearm was a person who could not lawfully purchase a firearm because he was not a resident of the State of Texas, all in violation of Title 18, United States Code, Section 922(a)(6).

OVERT ACTS

In furtherance of the conspiracy, and to effect the objects thereof, at least one of the co-conspirators herein committed one or more of the following overt acts, among others, in the Western District of Texas, and elsewhere:

1. On or about August 15, 2008, **OCTAVIO BOJORQUEZ** drove **MIGUEL MARTINEZ-YU** to a gun store in El Paso, Texas, and asked **MIGUEL MARTINEZ-YU** to purchase firearms for **OCTAVIO BOJORQUEZ** from a federal firearms licensee at a gun shop in El Paso, Texas.
2. On or about August 15, 2008, **MIGUEL MARTINEZ-YU** completed the required ATF Form 4473 to purchase firearms selected by and paid for by **OCTAVIO BOJORQUEZ**. **MIGUEL MARTINEZ-YU** provided the ATF Form 4473 to a federal firearms licensee at a gun shop in El Paso, Texas.
3. On or about August 15, 2008, **MIGUEL MARTINEZ-YU** was not a resident of the State of Texas. **MIGUEL MARTINEZ-YU** was a resident of Ciudad Juarez, Chihuahua, Mexico. However, when **MIGUEL MARTINEZ-YU** completed the ATF Form 4473 he falsely declared that he was a resident of El Paso, Texas.
4. On or about August 21, 2008, **MIGUEL MARTINEZ-YU** received a firearm from a federal firearms licensee in EL Paso, Texas. **MIGUEL MARTINEZ-YU** then delivered the firearm to **OCTAVIO BOJORQUEZ** in El Paso, Texas.
5. On or about August 21, 2008, **MIGUEL MARTINEZ-YU** completed the required ATF Form 4473 to purchase four additional firearms selected by and paid for by **OCTAVIO BOJORQUEZ**. **MIGUEL MARTINEZ-YU** was still not a resident of the State of Texas on that date. **MIGUEL MARTINEZ-YU** was then still a resident of Ciudad Juarez, Chihuahua, Mexico. However, when **MIGUEL MARTINEZ-YU** completed the ATF Form 4473 he falsely declared that he was a resident of El Paso, Texas, so he could purchase the firearms.

6. On or about August 23, 2008, **MIGUEL MARTINEZ-YU** received four firearms from a federal firearms licensee in EL Paso, Texas. **MIGUEL MARTINEZ-YU** then delivered the four firearms to **OCTAVIO BOJORQUEZ** in El Paso, Texas.

COUNT TWO
[18 U.S.C. §§ 371, 924(a)(1)(A)]

Beginning on or about August 15, 2008, and continuing to and including on or about August 23, 2008, in the Western District of Texas, and elsewhere, Defendants,

MIGUEL MARTINEZ-YU, and
OCTAVIO BOJORQUEZ

knowingly, intentionally, and unlawfully conspired, combined, confederated, and agreed together, and with each other, and with others to the Grand Jury known and unknown, to commit offenses against the United States, in violation of Title 18, United States Code, Section 371, that is to say, in connection with the acquisition of firearms from a federally licensed firearms dealer, knowingly made or induced another to make, a false statement and representation to P.L., a person licensed under the provisions of Chapter 44 of Title 18, United States Code, with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of PBA INC, d/b/a Collector's Gun Exchange, in that the defendant did execute a Bureau of Alcohol, Tobacco and Firearms Form 4473, claiming a residence of 11685 Kristy Weaver, El Paso, Texas, 79936, whereas in truth and in fact, he did not live at that residence, in violation of Title 18, United States Code, Section 924(a)(1)(A).

OVERT ACTS

In furtherance of the conspiracy, and to effect the objects thereof, at least one of the co-conspirators herein committed one or more of the following overt acts, among others, in the Western District of Texas, and elsewhere:

1. On or about August 15, 2008, **OCTAVIO BOJORQUEZ** drove **MIGUEL MARTINEZ-YU** to a gun store in El Paso, Texas, and asked **MIGUEL MARTINEZ-YU** to purchase firearms for **OCTAVIO BOJORQUEZ** from a federal firearms licensee at a gun shop in El Paso, Texas.

2. On or about August 15, 2008, **MIGUEL MARTINEZ-YU** completed the required ATF Form 4473 to purchase firearms selected by and paid for by **OCTAVIO BOJORQUEZ**. **MIGUEL MARTINEZ-YU** filled out the ATF Form 4473 and in Section A, Block 2 listed his current residence address as 11685 Kristy Weaver, El Paso, Texas 79936.
3. On or about August 15, 2008, **MIGUEL MARTINEZ-YU** was not a resident of the State of Texas. **MIGUEL MARTINEZ-YU** was a resident of Ciudad Juarez, Chihuahua, Mexico. However, when **MIGUEL MARTINEZ-YU** completed the ATF Form 4473 he falsely declared that he was a resident of El Paso, Texas.
4. On or about August 21, 2008, **MIGUEL MARTINEZ-YU** received a firearm from a federal firearms licensee in EL Paso, Texas. **MIGUEL MARTINEZ-YU** then delivered the firearm to **OCTAVIO BOJORQUEZ** in El Paso, Texas.
5. On or about August 21, 2008, **MIGUEL MARTINEZ-YU** again completed the required ATF Form 4473 to purchase four additional firearms selected by and paid for by **OCTAVIO BOJORQUEZ**. **MIGUEL MARTINEZ-YU** was still not a resident of the State of Texas on that date. **MIGUEL MARTINEZ-YU** was then still a resident of Ciudad Juarez, Chihuahua, Mexico. However, when **MIGUEL MARTINEZ-YU** completed the ATF Form 4473 he again falsely declared that he was a resident of El Paso, Texas, so he could purchase the firearms as requested by **OCTAVIO BOJORQUEZ**.
6. On or about August 23, 2008, **MIGUEL MARTINEZ-YU** received four firearms from a federal firearms licensee in EL Paso, Texas. **MIGUEL MARTINEZ-YU** then delivered the four firearms to **OCTAVIO BOJORQUEZ** in El Paso, Texas.

COUNT THREE

(18 U.S.C. §§ 922(a)(9) and 924 (a)(1)(D))

That on or about August 21, 2008, in the Western District of Texas, Defendant,

MIGUEL MARTINEZ-YU

then not being a resident of any state in the United States, did willfully and knowingly receive a firearm; to-wit a FNH, Model Five-Seven. 5.7 x 28 millimeter, from a Federal Firearms Licensee, in violation of Title 18, United States Code, Section 922(a)(9).

COUNT FOUR

(18 U.S.C. §§ 922(a)(9), 924 (a)(1)(D))

That on or about August 23, 2008, in the Western District of Texas, Defendant,

MIGUEL MARTINEZ-YU

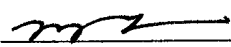
then not being a resident of any state in the United States, did willfully and knowingly receive a firearm; to-wit a FNH, Model Five-Seven. 5.7 x 28 millimeter, from a Federal Firearms Licensee, in violation of Title 18, United States Code, Section 922(a)(9).

A TRUE BILL.

FOREPERSON OF THE GRAND JURY

JOHNNY SUTTON
UNITED STATES ATTORNEY

BY:



GREGORY E. MCDONALD
Assistant United States Attorney