

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT
for the
Southern District of Texas

United States Courts
Southern District of Texas
FILED

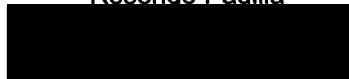
MAR 28 2014

David J. Bradley, Clerk of Court

United States of America)

v.)

Rosendo Padilla)



Case No.)

H14-323 MJ

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 27, 2014 in the county of Harris in the
Southern District of Texas, the defendant(s) violated:

Code Section
Title 18 United States Code,
Section(s) 922(g)(1)

Offense Description
possession of a firearm by a convicted felon

This criminal complaint is based on these facts:

See Attached Affidavit

Continued on the attached sheet.

Complainant's signature

S. E. RILEY, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

March 28, 2014

Judge's signature

City and state:

Houston, Texas

Frances H. Stacey, United States Magistrate Judge

Printed name and title

ATTACHMENT A

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

I Special Agent Sandy Riley, 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 (ATF) and have been so employed for approximately 15 years. In addition, I have approximately 4 years previous law enforcement experience and I am a graduate of the ATF National Academy located at the Federal Law Enforcement Training Center, Glynco, Georgia.
2. My duties include the investigation of violations of the federal firearms laws and I know it is a violation of 18 USC 922(g)(1), for any person who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year to possess or receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce. I also know that it is a violation of 18 USC 922(g)(5) for an alien who is unlawfully in the United States to receive or possess any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.
3. This affidavit is based on information received from other law enforcement agencies and confirmed by my own investigation.
4. During January 2014, your affiant received information that [REDACTED] may be engaged in the illegal acquisition and disposition of firearms. The information revealed that on December 22, 2013, [REDACTED] purchased one Zastava, model PAP M92PV, .762 caliber pistol, serial # M92PV027973. On January 7, 2014, the firearm was seized by law enforcement officials in the country of Mexico.
5. On February 10, 2014, your affiant, accompanied by ATF Task Force Officers and a Uniformed Officer of the Pasadena Police Department traveled to [REDACTED] residence located at [REDACTED] Pasadena, Texas, and met with [REDACTED]'s girlfriend, [REDACTED]. Your affiant explained that he was conducting a firearms trafficking investigation and wanted to speak to [REDACTED] about his recent firearms purchasing activities. Shortly after the explanation, [REDACTED] told your affiant that she was aware of [REDACTED]'s illegal firearms purchasing activities. [REDACTED] further stated that on a couple of occasions, she has accompanied [REDACTED] when he has gone to purchase firearms. [REDACTED] also stated that [REDACTED] purchases the firearms for [REDACTED] who resides at [REDACTED] Pasadena, Texas. Your affiant asked [REDACTED] if there were any firearms currently in her apartment and she stated "Yes". Your affiant asked [REDACTED] for consent to search the residence, which she granted. Pursuant to the consent search, your affiant seized four firearms from the [REDACTED] apartment. Your affiant later determined that these

firearms were purchased by [REDACTED] at the direction of [REDACTED] who resides in apartment [REDACTED]

6. On February 10, 2014, your affiant, ATF Task Force Officer's and a Uniformed Pasadena Police Officer went to [REDACTED] Pasadena, Texas, knocked on the door which was immediately opened by [REDACTED]. Your affiant identified himself and asked if he and officers could come in and speak with him. Your affiant and officers were invited in and asked [REDACTED] for his identification. [REDACTED] presented his identification and asked what this was about. Your affiant advised that he was conducting a firearms trafficking investigation and had reason to believe that he [REDACTED] may be engaged in the activity of illegally acquiring firearms. S/A Riley asked [REDACTED] if he had any guns in the residence and [REDACTED] stated that his wife, [REDACTED], had a few handguns. Your affiant asked [REDACTED] if he would consent to a search of his residence. [REDACTED] advised that officers could search the residence. He then signed the ATF FORM 3220.11, Consent to Search. While conducting the search, it was determined that [REDACTED] had an outstanding warrant for his arrest and was taken into custody. Discovered during the search were the following firearms:

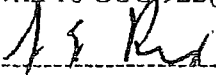
- 1 CMMG, model MK4, 5.56 Rifle, s/n SWU01553
- 1 S&W, model M & P 15, 5.56 caliber Rifle, S/N SU19321
- 2 Zastava, model PAP M92 PV, 7.62X39 pistols, S/N's M92PV033701 & M92PV010798.

7. Pursuant to the outstanding arrest warrant, [REDACTED] was transported to the Pasadena Police Department, Pasadena, Texas. Your affiant met with [REDACTED] and asked [REDACTED] if he wanted to speak with him in reference to the firearms recovered during the consent search and other firearms related activities. [REDACTED] agreed to speak to officers. Your affiant advised [REDACTED] of his Miranda Warnings. [REDACTED] waived his rights by voluntarily signing ATF F 3200.4, Advice of Rights and Waiver. During the interview, [REDACTED] made the following written and oral statements:

- He went to Matamoros, Mexico during May 2013 for his grandmother's funeral.
- He was approached by "Quintero" who asked him to set up a "Stash House" for drugs in Houston where he would be paid \$1000 a month. He refused to do this..
- About three (3) months later he was in Brownsville, Texas, and was approached by three (3) unknown men who told him they work for "Quintero" and that they had a message for him. The message was that he [REDACTED] was going to start working for them buying guns or something was going to happen to his son in Mexico.

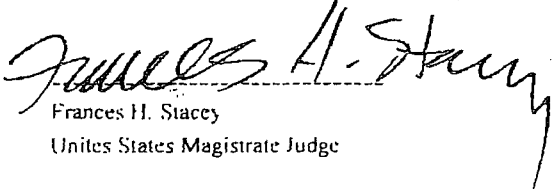
- About four (4) months later Nora Padilla contacted him and said that her brother, Rosendo PADILLA, Jr. needed to speak to him.
 - Shortly thereafter [REDACTED] spoke with Rosendo Padilla. Padilla told him that he knows [REDACTED] received the message from the three aforementioned unknown males that he is to start buying guns for "Qunitero!"
 - A short time later, Padilla showed up at [REDACTED]'s apartment in Pasadena, Texas, and gave him \$3000 to buy guns.
 - Padilla told him to spend \$600-\$800 for each gun.
 - Padilla told him to buy AR-15's and AK-47 type guns.
 - Between December 2013 and February 2014, [REDACTED] received money on approximately five occasions from Padilla to purchase firearms. On each occasion [REDACTED] recruited individuals to purchase between 11 -- 14 firearms for Padilla. These purchases were made at various licensed federal firearms dealers in Houston, TX.
 - At Padilla's instructions, [REDACTED] transported the firearms to Brownsville, TX.
 - [REDACTED] took about 11- 14 firearms to Brownsville, Texas, where he was told by PADILLA to go to the Motel 6 or Palace Inn Hotel for the night. There, [REDACTED] would wait for Padilla to pick up the firearms.
8. On February 14, 2014, your affiant, accompanied by Officer Mejia of the Houston Police Department met with [REDACTED] at the Harris County Jail. Your affiant presented [REDACTED] with a photo spread that contained six (6) photographs to include Rosendo PADILLA, a.k.a., "JR". [REDACTED] positively identified PADILLA as the individual that [REDACTED] purchased firearms for.
9. Further investigation by your affiant revealed that on March 18, 2008, in The United States District Court, Southern District of Texas, under case number 1:08CR00183-001, Rosendo Padilla, Jr., was convicted of the felony offense, Harboring Certain Aliens within the United States, punishable by a term exceeding one year, and Padilla was sentenced to twelve months confinement in the United States Bureau of Prisons.
10. On or about February 12, 2014, your affiant received information from a concerned citizen who told your affiant that he/she had purchased firearms for [REDACTED]. The concerned citizen stated that he/she also knew that Rosendo and Nora Padilla have consistently contacted [REDACTED] wife with respect to the aforementioned firearms seized by your affiant on February 10, 2014, and initially financed by Rosendo Padilla. With that knowledge, your affiant initiated an operation in which Rosendo Padilla, a convicted felon, would receive and take possession of the firearms that he believed were purchased at his direction by [REDACTED].

11. On March 27, 2014, ATF Agents initiated surveillance in the area of [REDACTED] Pasadena, Texas, [REDACTED]. A combination of seven AK-47 and AR-15 type rifles were placed inside [REDACTED]. The concerned citizen, at the direction of your affiant advised Rosendo Padilla of the whereabouts of the aforementioned firearms and agreed to meet Padilla for a subsequent transfer of the firearms to Padilla. At approximately 12:45 pm, agents observed a Red 2006 Ford F-150, four door pick-up, with Texas license # CBM-4563 make contact with the concerned citizen at [REDACTED] Pasadena, Texas. The vehicle followed the concerned citizens' vehicle to [REDACTED] Pasadena, Texas, [REDACTED]. Both Padilla and Galindo-Santiago were observed by ATF Agents placing the aforementioned firearms into the Red Ford F-150. ATF Agent's arrested the passenger in the Red Ford F-150, Rosendo Padilla, Jr. for being a Felon in Possession of a Firearm and the driver, Airam Martin Galindo-Santiago, for being an Alien in Possession of a Firearm.
12. Galindo-Santiago was advised of his Miranda warnings and waived his Miranda Rights. He advised that he is in the United States illegally and has been so since 2004.
13. Your affiant has spoken to Special Agent Greg Alvarez, who is recognized as an expert in determining the place of manufacture of firearms. Special Agent Alvarez told your affiant that all firearms used in this operation were manufactured outside the state of Texas so therefore traveled in interstate commerce to arrive in Texas.
14. Based on the foregoing facts, I believe that Rosendo Padilla, Jr., is a convicted felon and was in possession of a firearm and that Airam Martin Galindo-Santiago is an illegal alien and was in possession of a firearm.
15. As such, I believe that probable cause exists for the issuance of a federal arrest warrant charging Rosendo Padilla, Jr. with violating 18 USC 922(g)(1) and Airam Martin Galindo-Santiago with 18 USC 922(g)(5).



SANDY E. RILEY
Special Agent, ATF

Sworn and subscribed to in my presence and I find probable cause.



Frances H. Stacey
United States Magistrate Judge



DATE