

OA091 (Rev. 8/01) Criminal Complaint

Clerk, U.S. District Court
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT

MAY 13 2011


SOUTHERN

DISTRICT OF

TEXAS David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

V.

Jose Manuel Reyes


CRIMINAL COMPLAINT

Case Number: C-11-599m

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about May 10, 2011 in Hidalgo County, in the Southern District of Texas defendant(s) did, aid, abet and assist another person(s) to fraudulently and knowingly export, or attempt to export firearms or knowingly receive, conceal or purchase in a manner that facilitated the transportation, concealment, or sale of such weapons prior to exportation knowing the same to be intended for exportation from the United States to Mexico, contrary to any law or regulation of the United States.

in violation of Title 18 United States Code, Section(s) 554 and 924 (b).

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:

(See Attached Affidavit C)

Continued on the attached sheet and made a part of this complaint: Yes No



Signature of Complainant

David R. Taylor, ATF Special Agent

Printed Name of Complainant

Sworn to before me and signed in my presence,

March 13, 2011

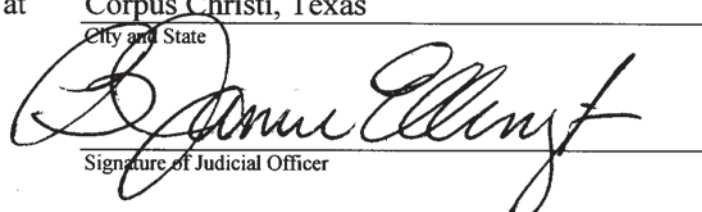
Date

at Corpus Christi, Texas

City and State

B. Janice Ellington, U.S. Magistrate Judge

Name and Title of Judicial Officer



Signature of Judicial Officer

ATTACHMENT C

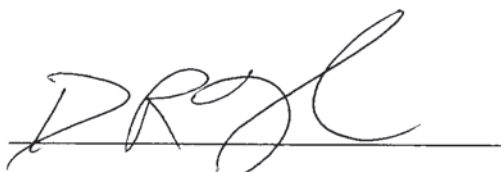
PROBABLE CAUSE AFFIDAVIT

I, David Taylor , being duly sworn, depose and state that:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Department of Justice, and have been so employed since September 10, 2001. I was previously employed as a State Trooper with the Louisiana State Police for five years. I have received a Bachelor's Degree in Criminal Justice from Louisiana State University. I am also a graduate of the Federal Law Enforcement Training Center and ATF National Academy where I received specialized training on criminal violations of Federal firearms statutes, including the Gun Control Act Chapter 44 of Title 18 United States Code and the National Firearms Act of 1934 (Title 26 United States Code).
2. In the past two (2) years, your affiant has been investigating crimes whereby firearms that are being illegally smuggled into Mexico are being done so at the request of the Gulf Cartel, the Zetas and other drug cartels. Your affiant knows that these weapons are being used in gun battles everyday in an effort to enforce the reign of terror by these drug cartels. The weapons that are primarily being used by these cartels are Beretta 9mm, .38 super pistols, AK47 rifles and other such weapons. The weapons listed in this affidavit are all weapons of choice for the drug cartels.
3. Your Affiant is familiar with the information contained in this affidavit, either through personal investigation or through discussion with other law enforcement officers, who have participated in and have contributed documentary reports of their investigative efforts in this matter.
4. This investigation began on May 5, 2011, when your affiant received information from Darrell Hester, owner of Victoria All Sports (federal firearms licensee,) concerning allegations of federal firearm violations by Jose Manuel REYES.
5. On May 5, 2011, your affiant interviewed Darrell Hester along with his employees, Chad Hester and Mark Evans. They provided ATF F 4473's documenting two different purchases by an individual identified as Jose Manuel Reyes. Reyes lists his address on the ATF F 4473 as [REDACTED] On April 29, 2011, Reyes purchased two Beretta 9mm pistols from Victoria All Sports. On May 4, 2011, Reyes purchased two Rock Island Armory .38 Super pistols.
6. While in Victoria All Sports, Reyes stated that he wished to purchase three additional Beretta 9mm pistols and two Arsenal AK47 rifles.

7. On May 12, 2011, your affiant received a call from Darrell Hester who said that on May 9, 2011, Reyes had entered his place of business and paid for the five firearms that he had ordered. At that time, Reyes was waiting to be cleared on his background check so he could pick the firearms up.
8. Also on May 12, 2011, while on the phone with Mark Evans, Reyes asked for ten (10) additional Arsenal AK47 rifles and that he wanted them to be all black with no wood on them. Reyes also asked about ordering two (2) more Rock Island Armory .38 super pistols.
9. On May 13, 2011, Jose Reyes entered Victoria All Sports and completed the paperwork required to take possession of those five firearms, plus one additional firearm that Reyes purchased while in the store.
10. A description of all six (6) firearms purchased by Reyes is as follows:
 - a. Para model 1911G1, .45 caliber pistol serial number G114954
 - b. Saiga model SGL21, 7.62x39 caliber rifle serial number L09128158
 - c. Saiga model SGL21, 7.62x39 caliber rifle serial number L09128222
 - d. Beretta model 92FS 9mm pistol serial number J983132
 - e. Beretta model 92FS 9mm pistol serial number J983392
 - f. Beretta model 92FS 9mm pistol serial number J983112
11. Also on May 13, 2011, your affiant had several conversations with ATF Special Agent Kevin Brown who stated that on May 10, 2011, he recorded, by means of electronic surveillance equipment, a conversation between Jose Manuel Reyes and a Hidalgo Police Department source of information. During this conversation, Reyes made the following statements with regards to his purchasing and subsequently smuggling those firearms into Mexico. The video recording is in Spanish and the following three (3) paragraphs are translations by ATF Special Agent Cesar Zambrano.
12. Reyes asks for "Arsenal" AK47 rifles. Reyes stated that he has an outstanding order for two hundred (200) AK 47 rifles and thirty-six (36) Beretta pistols.
13. Reyes stated that he went up north and picked up two (2) Berettas and that he needed to deliver eight (8) by Friday. Reyes says he is looking to deliver ten (10) to twenty (20) firearms a week.
14. Reyes said "The River is Mine." Reyes asked for eight (8) black AK47 rifles with no wood on them. Reyes said the firearms are to be used during ops and his guys wear black during the ops (operations.) When asked if he works for the Zetas, Reyes said no, "I work for the Gulf Cartel." Reyes said the arrangement is for R2, R1 and El Simple and that El Simple is Reyes's brother in law. Reyes says his brother in law is paying him to find guns.

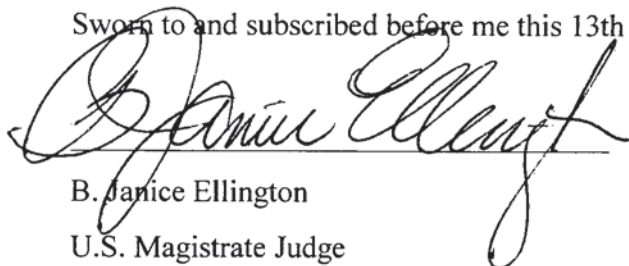
15. It should be noted that the request Reyes made to Victoria All Sports is identical to what he said in the recorded conversation.
16. Your affiant knows that according to computer database checks, Jose Reyes crosses the border into and back from Mexico nearly every day. On a query of Reyes' border crossings just in the month of May, records show that Reyes has crossed ten times already this month.
17. Your affiant knows that Jose Reyes is not a federal firearms licensee and as such it is a violation for him to engage in the business of dealing in firearms.
18. Additionally, your affiant knows that there are large signs printed in both English and Spanish warning persons that it is illegal to carry firearms into Mexico. These signs are posted at all ports of entry leading into Mexico.
19. Your affiant knows through his training and experience that under the Gun Control Act of 1968, it is a violation of Title 18 United States Code Section 924 (b) for anyone with knowledge or reasonable cause to believe that an offense punishable by imprisonment for a term exceeding one year is to be committed therewith, to ship, transport, or receive a firearm or any ammunition in interstate or foreign commerce.
20. Your affiant also knows that it is a violation of Title 18 United States Code Section 554 for anyone to knowingly export or send from the United States any merchandise, article, or object contrary to any law or regulation of the United States.
21. Your Affiant also knows that individuals who purchase large amounts of firearms maintain records as to who they are selling firearms to as well as a record of the firearms that they have purchased.
22. Based on the above information, your Affiant believes Jose Reyes is in possession of records to prove that he possessed a large amount of firearms and that he has illegally smuggled those firearms into Mexico. Additionally, Reyes did aid, abet and assist another person(s) to fraudulently and knowingly export, or attempt to export firearms or knowingly receive, conceal or purchase in a manner that facilitated the transportation, concealment, or sale of such weapons prior to exportation knowing the same to be intended for exportation from the United States to Mexico, contrary to any law or regulation of the United States. Your Affiant believes that these records are maintained in paper form in the residence as well as on his personal computer. Your Affiant believes that probable cause exists, based on the facts presented, that Jose Reyes possesses records that would prove that he has in fact illegally smuggled firearms into Mexico and that those records are maintained at the premises located at [REDACTED] (Reyes' residence.) All of this is in violation of Title 18, U.S.C. Section 554 and 924 (b.)

A handwritten signature in black ink, appearing to read "DR Taylor", written over a horizontal line.

David R. Taylor

Special Agent, ATF

Sworn to and subscribed before me this 13th day of May 2011.

A handwritten signature in black ink, appearing to read "B. Janice Ellington", written over a horizontal line.

B. Janice Ellington

U.S. Magistrate Judge