

United States District Court  
Southern District of Texas  
FILED

MAR 20 2012

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
McALLEN DIVISION

UNITED STATES OF AMERICA

v.

FELIX TORRES  
VIVIANA MENDOZA  
NOE RAYMOND TORRES  
also known as Noe Torres  
ILMA GARCIA  
BARBARA GARFIAS  
JUAN ANTONIO PEREZ, II  
IZAHA SAENZ  
NAYELY RUBY HERRERA

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Criminal No.

M-12-0063

SUPERSEDING INDICTMENT

THE GRAND JURY CHARGES:

Count One

From on or about January 25, 2011, to on or about May 9, 2011, in the Southern District of Texas and within the jurisdiction of the Court, defendants,

FELIX TORRES  
and  
VIVIANA MENDOZA

knowingly made, and aided and abetted the making of a false statement and representation with respect to information required to be kept in the records of Erick Ford Kruger d/b/a The Armory, McAllen, Texas, a federally licensed firearms dealer, in connection with the acquisition of an Arsenal, Model Saiga, 7.62mm rifle, serial number L09127290; an Arsenal, Model SGL21-16, 7.62mm rifle, serial number L09125927; a Century International Arms, Model M70AB, 7.62mm rifle, serial number AB206407; an Arsenal, Model SGL21-61, 7.62mm rifle, serial number L09128734; and an Arsenal Model Saiga, 7.62mm rifle, serial number L09128967, in that defendant **FELIX TORRES**, aided and abetted defendant **VIVIANA MENDOZA**, who falsely represented

on the Bureau of Alcohol, Tobacco, and Firearms Form 4473, that **VIVIANA MENDOZA** was the actual buyer of the firearms described above, when in truth and fact the defendants knew that those statements and representations were false and that **VIVIANA MENDOZA** was not the actual buyer of the firearms.

In violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.

**Count Two**

From on or about October 5, 2010, to on or about March 7, 2011, in the Southern District of Texas and within the jurisdiction of the Court, defendants,

**FELIX TORRES**  
**and**  
**NOE RAYMOND TORRES**  
**also known as Noe Torres**

knowingly made, and aided and abetted the making of a false statement and representation with respect to information required to be kept in the records of Erick Ford Kruger d/b/a The Armory, McAllen, Texas, a federally licensed firearms dealer, in connection with the acquisition of a Century International Arms, Model WASR 10, 7.62mm rifle, serial number AH72081989; a Century International Arms, Model M70AB2T, 7.62mm rifle, serial number AB2T-N102274; a Century International Arms, Model M70AB2, 7.62mm rifle, serial number AB2T-N102190; an Arsenal, Model Legion, 7.62mm rifle, serial number L09127384; a Century International Arms, Model AKMS, 7.62mm rifle, serial number KMS00865; and a Century International Arms, Model M70AB2, 7.62mm rifle, serial number AB204347, in that defendant **FELIX TORRES**, aided and abetted defendant **NOE RAYMOND TORRES**, who falsely represented on the Bureau of Alcohol, Tobacco, and Firearms Form 4473, that **NOE RAYMOND TORRES** was the actual buyer of the firearms described above, when in truth and fact the defendants knew that those statements and representations were false and that **NOE RAYMOND TORRES** was not the actual buyer of the firearms.

In violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.

**Count Three**

From on or about May 9, 2011, to on or about May 13, 2011, in the Southern District of Texas and within the jurisdiction of the Court, defendants,

**FELIX TORRES  
IZAHA SAENZ  
and  
ILMA GARCIA**

knowingly made, and aided and abetted the making of a false statement and representation with respect to information required to be kept in the records of Erick Ford Kruger d/b/a The Armory, McAllen, Texas, a federally licensed firearms dealer, in connection with the acquisition of an Arsenal, Model Saiga, 7.62mm rifle, serial number L09129846; an Arsenal, Model Saiga, 7.62mm rifle, serial number L09129174; an Arsenal, Model Saiga, 7.62mm rifle, serial number L09129019; an Arsenal, Model Saiga, 7.62mm rifle, serial number L09129834, an Arsenal, Model Saiga, 7.62mm rifle, serial number L09128505; an Arsenal, Model Saiga, 7.62mm rifle, serial number L09128319; an Arsenal, Model Saiga, 7.62mm rifle, serial number L09128414; and an Arsenal, Model Saiga, 7.62mm rifle, serial number L09128522, in that defendants **FELIX TORRES** and **IZAHA SAENZ**, aided and abetted defendant **ILMA GARCIA**, who falsely represented on the Bureau of Alcohol, Tobacco, and Firearms Form 4473, that **ILMA GARCIA** was the actual buyer of the firearms described above, when in truth and fact the defendants knew that those statements and representations were false and that **ILMA GARCIA** was not the actual buyer of the firearms.

In violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.

**Count Four**

From on or about November 29, 2010, to on or about May 10, 2011, in the Southern District of Texas and within the jurisdiction of the Court, defendants,

**FELIX TORRES  
and  
BARBARA GARFIAS**

knowingly made, and aided and abetted the making of a false statement and representation with respect to information required to be kept in the records of Erick Ford Kruger d/b/a The Armory, McAllen, Texas, a federally licensed firearms dealer, in connection with the acquisition of a Arsenal, Model Saiga 308, .308 caliber rifle, serial number H09723987; a Century International Arms, Model M70AB2, 7.62mm rifle, serial number AB2T-N102674; an Arsenal, Model Saiga 308, .308 caliber rifle, serial number H09723627; a Century International Arms, Model AKMS, 7.62mm rifle, serial number KMS00968; an Arsenal, Model SGL21-61, 7.62mm rifle, serial number L09126734; an Arsenal, Model Saiga, 7.62mm rifle, serial number L09129541; and an Arsenal, Model Saiga, 7.62mm rifle, serial number L09128503, in that defendant **FELIX TORRES**, aided and abetted defendant **BARBARA GARFIAS**, who falsely represented on the Bureau of Alcohol, Tobacco, and Firearms Form 4473, that **BARBARA GARFIAS** was the actual buyer of the firearms described above, when in truth and fact the defendants knew that those statements and representations were false and that **BARBARA GARFIAS** was not the actual buyer of the firearms.

In violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.

**Count Five**

From on or about October 20, 2010, to on or about April 29, 2011, in the Southern District of Texas and within the jurisdiction of the Court, defendants,

**FELIX TORRES  
and  
JUAN ANTONIO PEREZ, II**

knowingly made, and aided and abetted the making of a false statement and representation with respect to information required to be kept in the records of Erick Ford Kruger d/b/a The Armory, McAllen, Texas, a federally licensed firearms dealer, in connection with the acquisition of a Century International Arms, WASR 10, 7.62mm rifle, serial number 1966RS2118; a Century International

Arms, Model M70AB2, 7.62mm rifle, serial number AB2T-N101814; an Arsenal, Model Saiga, 7.62mm rifle, serial number L09126244; a Century International Arms, Model M70AB2, 7.62mm rifle, serial number AB205212; and an Arsenal, Model SGL21-61, 7.62mm rifle, serial number L09129842, in that defendant **FELIX TORRES**, aided and abetted defendant **JUAN ANTONIO PEREZ, II**, who falsely represented on the Bureau of Alcohol, Tobacco, and Firearms Form 4473, that **JUAN ANTONIO PEREZ, II** was the actual buyer of the firearms described above, when in truth and fact the defendants knew that those statements and representations were false and that **JUAN ANTONIO PEREZ, II** was not the actual buyer of the firearms.

In violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.

**Count Six**

From on or about February 23, 2011, to on or about April 23, 2011, in the Southern District

**FELIX TORRES  
and  
NAYELY RUBY HERRERA**

knowingly made, and aided and abetted the making of a false statement and representation with respect to information required to be kept in the records of Erick Ford Kruger d/b/a The Armory, McAllen, Texas, a federally licensed firearms dealer, in connection with the acquisition of a Century International Arms, Model M70AB, 7.62mm rifle, serial number AB204962; an Arsenal, Model SGL21-61, 7.62mm rifle, serial number L09129552; an Arsenal, Model Saiga, 7.62mm rifle, serial number L09129176; and an Arsenal, Model SGL21-61, 7.62mm rifle, serial number L09129643; in that defendant **FELIX TORRES**, aided and abetted defendant **NAYELY RUBY HERRERA**, who falsely represented on the Bureau of Alcohol, Tobacco, and Firearms Form 4473, that **NAYELY RUBY HERRERA** was the actual buyer of the firearms described above, when in truth and fact the defendants knew that those statements and representations were false and that **NAYELY RUBY HERRERA** was not the actual buyer of the firearms.

In violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.

**Count Seven**

On or about December 3, 2010, in the Southern District of Texas and within the jurisdiction of the Court, defendant,

**FELIX TORRES**

previously having been convicted in the 92<sup>nd</sup> District Court, Hidalgo County, Texas, on June 6, 2005, for the felony offense of burglary of habitation, in cause number CR-1648-05-A, a crime punishable by imprisonment for a term exceeding one year, did knowingly and unlawfully possess in and affecting interstate and foreign commerce two firearms, namely, a Century International Arms, Model M70AB2, 7.62mm rifle, serial number AB2T-N102601; and a Century International Arms, Model M70AB2, 7.62mm rifle, serial number AB2T-N101276.

In violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

A TRUE BILL

FOR PERSON 

KENNETH MAGIDSON  
UNITED STATES ATTORNEY



UNITED STATES ATTORNEY