

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

United States of America

v.

FRANCISCO JOSEPH ARCILA RAMIREZ,

Defendant(s)

Case No. 19-mj-2034-McAliley

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 04/24/2018-11/20/2018 in the county of Miami in the Southern District of Florida, the defendant(s) violated:

Table with 2 columns: Code Section, Offense Description. Rows include 18 U.S.C. § 922(a)(1)(A); Engaging in Business of Dealing Firearms Without a License; 18 U.S.C. § 922(a)(6); False Statement to a Federally Licensed Firearms Dealer; and 18 U.S.C. § 371; Conspiracy to Defraud the United States.

This criminal complaint is based on these facts: SEE ATTACHED AFFIDAVIT.

Continued on the attached sheet.

Crystal Eshleman (signature)

Special Agent Crystal M. Eshleman, ATF (Printed name and title)

Sworn to before me and signed in my presence.

Date: 1-10-19

Chris M. McAiley (signature)

City and state: Miami, Florida

Honorable Chris M. McAiley, U.S. Magistrate (Printed name and title)

**AFFIDAVIT**

Your Affiant, Ryan W. Bonura, being duly sworn, depose and states as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI"), having been so employed since March 2012. As a Special Agent, my duties include the investigation of violations of Title 18 of the United States Code ("U.S.C."). I am currently assigned to the FBI Miami Field Office and specialize in investigating international violent crimes, which often involve illicit firearms and ammunition.

2. I make this affidavit in support of an arrest warrant for **FRANCISCO JOSEPH ARCILA RAMIREZ**, a Legal Permanent Resident of the United States who resides in Broward County, Florida.

3. Based on the facts set forth in this affidavit, I submit there is probable cause to believe that ARCILA RAMIREZ has committed violations of 18 U.S.C. § 922(a)(1)(A) (Unlawful Dealing in Firearms); 18 U.S.C. § 922(a)(6) (False Statements in Acquisition of Firearms); and 18 U.S.C. § 371 (Conspiracy to Violate §§ 922(A)(1)(a) and 922(a)(6)).

4. The information contained in this affidavit is based upon my personal knowledge, as well as information and documentation that I obtained from other law enforcement officers and civilian witnesses who have first-hand knowledge of the events described herein. Because this affidavit is submitted for the limited purpose of establishing probable cause, it does not contain all of the information known to me or the Government, but contains only facts necessary to establish probable cause for the instant request.

### FACTS ESTABLISHING PROBABLE CAUSE

5. On or about April 24, 2018, co-conspirators G.O. and J.S., in two separate transactions purchased ten (10) Glock 9mm pistols from Miami Police Depot, Inc., a business located in Miami Dade County, the Southern District of Florida, and a duly registered Federal Firearms Licensee ("FFL"). Prior to entering Miami Police Depot, Inc., G.O. instructed J.S. which handguns to purchase and provided J.S. with approximately \$3,200 to buy the pistols. After the two transactions, the aforementioned ten (10) Glock pistols were placed into G.O.'s vehicle. G.O. then communicated with ARCILA RAMIREZ. Thereafter, G.O. and J.S. then arranged to purchase more firearms together the following day.

6. On or about April 25, 2018, J.S., accompanied by ARCILA RAMIREZ and co-conspirator G.O., and under their direction and instruction, purchased two (2) Glock 9mm pistols from Lou's Police Supply, a business located in Miami Dade County, the Southern District of Florida, and a duly registered Federal Firearms Licensee ("FFL"). Prior to entering Lou's Police Supply, ARCILA RAMIREZ and G.O. instructed J.S. which handguns to purchase and provided him with \$1,200 to buy the pistols. After this purchase, J.S. left the store and placed the two (2) Glock pistols into G.O.'s vehicle. G.O. and J.S. then left in G.O.'s vehicle; J.S. was then dropped off at his home residence.<sup>1</sup>

7. On or about August 16, 2018, J.S., under G.O.'s direction and instruction, purchased seven (7) 7.62 caliber pistols, consisting of five (5) Draco pistols and two (2) Zastava M92 pistols, from Miami Police Depot, Inc. and Miami Guns, Inc.<sup>2</sup> Prior to these purchases, G.O.

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<sup>1</sup> On April 29, 2018, G.O. sent ARCILA RAMIREZ two (2) text messages that contained the sales receipt for the two (2) aforementioned Glock handguns that were purchased on his behalf by J.S.

<sup>2</sup> Of these seven (7) handguns, only one was purchased from Miami Guns, Inc., a Draco pistol. All of the other firearms were purchased from Miami Police Depot, Inc. that same day.

instructed J.S. which handguns to purchase and provided him with approximately \$4,900 to buy the pistols. After these purchases, J.S. placed the seven (7) pistols into G.O.'s vehicle. G.O. and J.S. then left in G.O.'s vehicle and drove to a parking lot in Miami Dade County, the Southern District of Florida. After arriving at the parking lot, G.O. exited the vehicle and transferred six (6) of the aforementioned pistols to a vehicle driven by ARCILA RAMIREZ.

8. During each of the aforementioned firearms purchases by G.O. and J.S. of April 24, April 25, and August 16, 2018, both G.O. and J.S. fraudulently stated on the required ATF Firearms Transaction Record Form 4473 ("ATF Form 4473") that they were the "actual transferee/buyer of the firearm[s]." These representations were false in that the "actual" buyer of the firearms was ARCILA RAMIREZ, and not G.O. and/or J.S.<sup>3</sup>.

9. On or about September 14, 2018, J.S. informed law enforcement that he was not in possession of any of the aforementioned firearms and that he purchased the firearms for G.O. under his instruction and direction, and with money provided to G.O. by a person later identified as ARCILA RAMIREZ.

10. On or about October 2, 2018, J.S. informed law enforcement that the firearms he purchased on August 16, 2018, under G.O.'s instruction, were subsequently shipped by ARCILA RAMIREZ to Colombia.

11. On or about October 15, 2018, during a recorded meeting between J.S. and G.O., G.O. instructed J.S. to lie to the ATF and tell them that the "firearms were stolen" and that is why the firearms were no longer in his possession. G.O. informed J.S. that they would talk more about

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<sup>3</sup> The ATF Form 4473 clearly warns, "[y]ou are not the actual transferee/buyer if you are acquiring the firearm(s) on behalf of another person." The form further states "I understand that answering 'yes' to question 11.a. if I am not the actual transferee/buyer is a crime punishable as a felony under Federal law" and requires the transferee/buyer to sign and certify that the answers provided are "true, correct, and complete."

the firearms “when ARCILA RAMIREZ returns from Colombia.”<sup>4</sup>

12. On October 31, 2018, Colombian law enforcement arrested Alvaro Jay Arcila (ARCILA RAMIREZ’s brother) and his wife, Ingrid Maldonado Perez, in Barranquilla, Colombia. A subsequent search of their residence revealed assorted firearm parts and accessories, such as firearm grips, semi-automatic rifle trigger component, semi-automatic rifle barrels, and semi-automatic rifle ammunition magazines. Also recovered from the residence were four (4) 20-gallon Husky air compressors, which, according to the Colombian authorities, were used to covertly ship the firearm components into Colombia. One of the aforementioned Husky air compressors was affixed with a Home Depot identifier tag, SKU Number 1001487189. This Home Depot identifier tag, SKU Number 1001487189, evidences that it was in the inventory of, and sold by, a Home Depot store located at 3030 SW 8<sup>th</sup> Street, Miami, Florida.

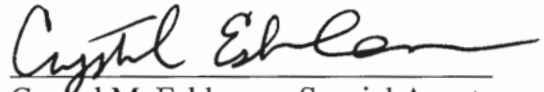
13. Home Depot surveillance video footage from the store located at 3030 SW 8<sup>th</sup> Street, Miami, Florida, reveals that on September 23, 2018, a person matching the height, weight and other physical characteristics of ARCILA RAMIREZ purchased three (3) Husky air compressors in identical model, size and color to the ones seized by the Colombian authorities cited above.

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<sup>4</sup> Travel records indicate that ARCILA RAMIREZ traveled from Miami, Florida to Cartagena, Colombia on October 1, 2018 and returned to Miami, Florida on October 30, 2018.

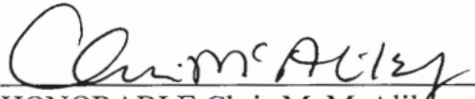
**CONCLUSION**

14. Based on the foregoing facts, I submit there is probable cause to believe **FRANCISCO JOSEPH ARCILA RAMIREZ** has violated 18 U.S.C. § 922(a)(1)(A) (Unlawful Dealing in Firearms); 18 U.S.C. § 922(a)(6) (False Statements in Acquisition of Firearms); and 18 U.S.C. § 371 (Conspiracy to Violate §§ 922(A)(1)(a) and 922(a)(6)).



Crystal M. Eshleman, Special Agent  
Bureau of Alcohol, Tobacco,  
Firearms, and Explosives

Subscribed and sworn before  
me on January 10 2019



HONORABLE Chris M. McAiley  
United States Magistrate Judge  
United States District Court  
Southern District of Florida

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. 19-mj-2034-McAuley

UNITED STATES OF AMERICA

v.

FRANCISCO JOSEPH ARCILA RAMIREZ,

Defendant. /

CRIMINAL COVER SHEET

1. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to August 9, 2013 (Mag. Judge Alicia Valle)? \_\_\_ Yes  No
2. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek Maynard)? \_\_\_ Yes  No

Respectfully submitted,

ARIANA FAJARDO ORSHAN  
UNITED STATES ATTORNEY

BY: 

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