

Filed 8-10-17
Clerk, U. S. District Court
Western District of Texas
By [Signature]
Deputy

UNITED STATES DISTRICT COURT

for the

Western District of Texas

United States of America)

v.)

Casmiro Barba TAPIA)

Case No. 5:17-MJ-922

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 April 3,2017 through August 9,2017 in the county of Bexar in the Western District of Texas, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. §922(a)(6)	False Statement During Purchase of a Firearm
18 U.S.C. §922(a)(1)(A)	Engaging in Firearms Business Without a License

This criminal complaint is based on these facts:

See attached affidavit

Maximum penalties 922(a)(6)- 10 years imprisonment, \$250,000 fine, 3 years supervised release
Maximum penalties 922(a)(1)(A)- 5 years imprisonment, \$250,000 fine, 3 years supervised release

Continued on the attached sheet.

[Signature]
Complainant's signature
Special Agent Brandon Black, ATF
Printed name and title

Sworn to before me and signed in my presence.

Date: 8/10/2017

[Signature]
Judge's signature
Henry J. Bemporad, United States Magistrate Judge
Printed name and title

City and state: San Antonio, Texas

US v. Casimiro Barba TAPIA

This criminal complaint is based on these facts:

Alcohol, Tobacco, Firearms & Explosives (ATF) Special Agent (S/A) Brandon Black identified Casimiro Barba TAPIA (H/M; DOB: 03/**/1971) on May 8, 2017, after the recovery of five (5) semi-automatic pistols were recovered in Guadalajara, Jalisco, Mexico and were traced by Mexican Law Enforcement with a seventeen (17) day "time to crime". "Time to crime" refers to the time the first purchaser buys a firearms from a Federal Firearms Licensee (FFL) to the time the firearm is recovered in a crime. The five (5) firearms recovered were purchased by TAPIA from Federal Firearms Licensee (FFL) D&D Gun Parts on April 13, 2017.

Agents know that TAPIA has purchased approximately sixty-six (66) firearms from one particular FFL, D&D Gun parts, during various gun shows in the San Antonio, Texas area to include the SAXET Gun Show, which is held the first weekend of every month. This information was obtained through multiple sale reports, which were filed by the D&D Gun Parts, which is required based on federal regulations.

- April 3, 2017, TAPIA purchased two (2) firearms from D&D Gun Parts
- April 13, 2017, TAPIA purchased twelve (12) firearms from D&D Gun Parts
- April 29, 2017, TAPIA purchased fourteen (14) firearms from D&D Gun Parts
- May 20, 2017, TAPIA purchased seven (7) firearms from D&D Gun Parts
- June 15, 2017, TAPIA purchased fifteen (15) firearms from D&D Gun Parts

Queries were conducted by Homeland Security Investigation (HSI) S/A Jonathan Morgan related to TAPIA's border crossing activity. Analysis of TAPIA's border crossings showed a distinct pattern in relation to TAPIA's firearm purchasing activity. Of note was TAPIA crossed into the United States on April 11, 2017 through the Laredo Point of Entry (POE). Two days later on April 13, 2017, TAPIA purchased twelve (12) firearms at a gun show from FFL D&D Gun Parts. The next day, April 14, 2017, TAPIA crossed back into Mexico through the Laredo POE. On April 30, 2017, five (5) of firearms purchased by TAPIA on April 13, 2017, were recovered in Guadalajara, JL, Mexico.

On or about Wednesday, August 9, 2017, TAPIA was field contacted in San Antonio, Texas, by Alcohol, Tobacco, Firearms & Explosives (ATF) Special Agent (S/A) Brandon Black and Homeland Security Investigation (HSI) S/A Jonathan Morgan pursuant to a surveillance operation. TAPIA was observed taking possession of multiple firearms in the parking lot of Habitat Home Center, which is located at 8125 Meadow Leaf Drive, San Antonio, TX 78227. TAPIA was subsequently approached and asked if he would consent to an interview at the ATF San Antonio Field Office. TAPIA willingly agreed to come with agents to the ATF San Antonio Field Office to answer questions.

For reasons of officer safety TAPIA was asked if he had any firearms currently in his possession or in his vehicle. TAPIA advised agents he had just purchased sixteen (16) firearms and consented to show agents the location of the firearms in his vehicle. The firearms were retrieved by agents pending further investigation.

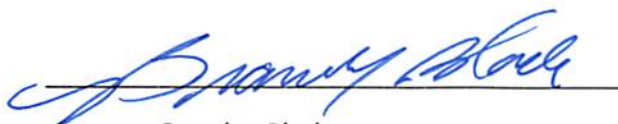
Once at the ATF San Antonio Field Office, TAPIA was provided his Miranda Warnings, waived his rights and agreed to answer questions. During the interview, TAPIA admitted to agents that he has purchased at least fifty (50) firearms this year alone and estimates to have sold about half of those firearms, or twenty-five (25) firearms. TAPIA further said he does not think he has sold more than fifty (50) firearms total in his unlicensed dealing of firearms.

When completing ATF Form 4473 to purchase the firearms question 11a asked TAPIA if he was purchasing the firearms for himself. TAPIA answered yes that the firearms were for himself when completing ATF Form 4473 for the guns he purchased. During the interview with agents TAPIA admitted that when he purchased the firearms his ultimate intent was to sell the firearms for profit. TAPIA does not have a license to deal firearms. TAPIA further stated to agents that when selling firearms to individuals he would make a profit of approximately \$50 - \$70 over what he paid for each firearm.

When questioned by agents as to his purchase from FFL D&D Gun Parts on June 15, 2017, in which TAPIA purchased fifteen (15) .380 caliber pistols, TAPIA stated he had sold all of those firearms already.

TAPIA indicated to agents he resided at 18200 FM 471 S, Natalia, Texas and later granted consent to agents to search his residence. During the consent search, agents seized three (3) .380 caliber pistols. This is of note, because agents have documented TAPIA purchasing at least fifty-two (52) .380 caliber pistols from January 2017 through present day. Of those fifty-two pistols, five (5) were recovered in Mexico 17 days after they were purchased and three (3) were recovered from TAPIA's residence. Therefore, forty-three (43) .380 caliber pistols remain unaccounted for.

ATF S/A Andrea DeVilliers interviewed TAPIA's wife Maria Christina TAPIA during the consent search of the TAPIA residence. The wife advised that TAPIA routinely travels to Mexico. Additionally, TAPIA's wife stated that TAPIA told her he sold firearms in Mexico.

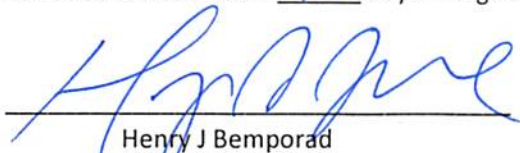


Brandon Black
ATF Special Agent



Date

Sworn to and subscribed before me on 10 day of August, 2017.



Henry J Bemporad
United States Magistrate Judge



Date