

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT
for the

APR 20 2010

ms

United States of America
v.

MATTHEW J. DYKMAN

CLERK

Case No.

10-MJ-1156

Juan Antonio OROZCO-Orozco

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 August 23, 2009 in the county of Rio Arriba in the
 District of New Mexico, the defendant(s) violated:

Code Section

Offense Description

18 USC 922 (a)(6)
18 USC 911

False Statements During the Attempted Purchase of a Firearm
False Declaration of the United States Citizenship

This criminal complaint is based on these facts:

On the above date, the defendant made false written statements in an attempt to purchase a firearm from a federally licensed firearms dealer, and the defendant did falsely declare himself a United States citizen during the same attempt. These act constitute a violation of 18 USC 922 (a)(6), False Statements During the Attempted Purchase of a Firearm and 18 USC 911, False Declaration of the United States Citizenship.

Continued on the attached sheet.

Alton E Hightower
Complainant's signature

Alton Hightower, Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: APR 20 2010

Richard L Puglisi
Judge's signature

City and state: Albuquerque, New Mexico

RICHARD L. PUGLISI
Printed name and title

ATTACHMENT "A"

Immigration and Customs Enforcement (ICE), Office of the Resident Agent in Charge, Albuquerque, New Mexico received information that Juan OROZCO-Orozco, date of birth October 17, 1981, may have illegally attempted to purchase a firearm on August 23, 2009. Special Agent (SA) Alton Hightower initiated an investigation.

On August 23, 2009, Juan OROZCO-Orozco attempted to purchase a firearm at Wal-Mart store number 2656, located at 1601 Riverside Drive, Espanola New Mexico. OROZCO-Orozco completed Bureau of Alcohol Tobacco and Firearms (ATF) form 4473 in association with his purchase attempt. On ATF form 4473, OROZCO-Orozco listed his date of birth as October 17, 1981 and address as Privat Road 247, Chomita, Rio Arriba, New Mexico. Section 11 of the ATF form 4473 contains 12 questions, labeled "a" through "k", that solicit a yes or no response. Question "k" asks "are you an alien illegally in the United States?". OROZCO-Orozco checked the box marked "no", indicating that he was not an alien illegally in the United States. Section 14 of ATF form 4473 requires that the applicant indicate his country of citizenship. OROZCO-Orozco checked the box next to United States of America indicating that he is a citizen of the United States. OROZCO-Orozco signed ATF form 4473 certifying that his answers were true and correct. The purchase of the firearm was ultimately denied on August 26, 2009 by the National Instant Criminal Background Check System. Below is a copy of the certification signed to by OROZCO-Orozco.

I certify that the above answers are true and correct. I understand that answering "yes" to question 12a when I am not the actual buyer of the firearm is a crime punishable as a felony. I understand that a person who answers "yes" to any of the questions 12b through 12k is prohibited from purchasing or receiving a firearm. I understand that a person who answers "yes" to question 12l is prohibited from purchasing or receiving a firearm, unless the person also answers "yes" to question 13. I also understand that making any false oral or written statement, or exhibiting any false or misrepresented identification with respect to this transaction, is a crime punishable as a felony. I further understand that the repetitive purchase of firearms for the purpose of resale for livelihood and profit without a Federal firearms license is a violation of law.

Records checks indicate that Juan OROZCO-Orozco has a criminal history associated with Federal Bureau of Investigation number 167012NB4. This criminal history includes arrests in Belvedere and Rockford Illinois. On June 17, 2005 OROZCO-Orozco pled guilty to Criminal Trespass of a Motor Vehicle.

SA Hightower obtained a copy of the fingerprint cards created when OROZCO-Orozco was arrested on December 30, 2004, in Rockford, Illinois. SA Hightower submitted an electronic copy of the fingerprints for comparison to those contained in immigration

databases. The fingerprint comparison returned with a match for Juan OROZCO-Orozco, who was arrested by the United States Border Patrol Agents on January 4, 2001. OROZCO-Orozco was arrested at that time for being present in the United States without admission. OROZCO-Orozco was administratively returned to Mexico. Queries of immigration databases yielded no evidence that OROZCO-Orozco has since obtained documents allowing him to legally enter or be present in the United States. On April 15, 2010, OROZCO-Orozco was arrested by New Mexico State Police on an outstanding traffic warrant. OROZCO-Orozco was subsequently turned over to ICE on April 19, 2010.

OROZCO-Orozco was transported to the ICE processing facility located at 1720 Randolph Rd, SE, Albuquerque, New Mexico. OROZCO-Orozco's fingerprints were captured electronically and compared with those in immigration and criminal databases. The comparison results returned a criminal history that confirmed OROZCO-Orozco's previous felony arrest in Rockford, Illinois as well as the previous arrest by the United States Border Patrol, in El Paso, Texas, on January 4, 2001.

OROZCO-Orozco is in fact a native and citizen of Mexico, who is illegally present in the United States. By checking the box next to "United States of America", in section 14 of ATF form 4473, OROZCO-Orozco falsely and willfully represented himself as a United States citizen, thereby violating Title 18, United States Code, Section 911. By checking the "yes" on line "k", in section 11, and by checking the box next "United States of America", in section 14, of ATF form 4473, OROZCO-Orozco knowingly made false written statements in an attempt acquire a firearm from a licensed dealer, thereby violating Title 18, United States Code, Section 922(a)(6).


Alton E Hightower