

Department of Justice



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Southern District of California

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SEVEN STRAW PURCHASERS IN ARIZONA FIREARMS TRAFFICKING CASE SENTENCED TO FEDERAL PRISON

PHOENIX, AZ– United States Attorney Laura E. Duffy announced today that seven defendants were sentenced to federal prison by United States District Court Judge James A. Teilborg in an Arizona federal firearms trafficking case arising out of the federal investigation, “Operation Fast and Furious.” The seven defendants were charged in a federal indictment with violations of federal law arising from their participation in a Phoenix-based firearms trafficking organization, which was illegally acquiring firearms in Arizona for shipment, transportation and/or exportation to drug trafficking organizations in the United States and Mexico. Defendants Jonathan Earvin Fernandez and Kenneth James Thompson were sentenced on December 10, 2012. The remaining five defendants – Jaime Avila, Jr., Jose Angel Polanco, Alfredo Celis, Dejan Hercegovac, and Joshua David Moore – were sentenced on December 12, 2012. The seven defendants were responsible for the illegal straw purchase and/or transportation of approximately 400 firearms. The Court imposed sentences ranging from 18 months to 60 months. In imposing the sentences, the Court considered several sentencing enhancements for each defendant, which included: (1) the number and types of firearms purchased; (2) the fact that defendants engaged in firearms trafficking; (3) the fact that defendants knew the firearms purchased were to be used in the commission of another felony offense; and (4) the role of a defendant in the conspiracy.

Defendant *Jaime Avila, Jr.* was a straw purchaser for the trafficking organization who, in a seven month period, paid \$55,000 in cash for the purchase 52 firearms, including seventeen AK-47 style firearms, two AR-15 rifles and two .50 caliber rifles – all “weapons of choice” of the Mexican drug cartels. Avila admitted that he became involved in the conspiracy through a childhood friend, codefendant Uriel Patino, who himself purchased more than 720 firearms. On December 15, 2010, U.S. Border Patrol Agent Brian Terry was murdered in the desert of Southern Arizona while interdicting narcotics traffickers he and other agents encountered in the dead of night. Two AK-47 style rifles found at the Terry murder scene were purchased by Avila approximately 11 months earlier. The Court sentenced Avila on Count 1 (18 U.S.C. § 371 - multi-object firearms trafficking conspiracy) and Count 2 (18 U.S.C. § 922(a)(1)(A)) – unlawfully dealing in firearms) to **57 months** in custody, to be followed by a two year term of supervised release.

Defendant *Alfredo Celis* was a high volume straw purchaser for the trafficking organization who paid over \$90,000 in cash to purchase 134 firearms in a twelve-month period, which firearms included a .50 caliber rifle and 133 AK-47 style rifles. Celis admitted that he was recruited by his cousin Manuel Fabian Celis-Acosta, the leader/organizer of the firearms trafficking conspiracy. The Court sentenced Avila Davila on Count 1 to **57 months** in custody, to be followed by a two year term of supervised release.

Defendant *Dejan Hercegovac* was a straw purchaser for the trafficking organization who, in a four-month period, paid over \$35,000 to purchase 31 firearms, including 30 AK-47 style rifles and a .50 caliber rifle. Hercegovac admitted that all his firearms purchases were made at the direction of firearms trafficking organization leader, Celis-Acosta. The Court sentenced Hercegovac on Count 1 of the Indictment to a **40 month** term of imprisonment, to be followed by a two year term of supervised release.

Defendant *Joshua David Moore* was also a high volume straw purchaser for the trafficking organization who, in a five-month period, paid \$109,000 to purchase 141 firearms, including 138 AK-47 style rifles and two .50 caliber rifles. Moore, a former member of the U.S. Marine Reserves, admitted to buying and selling firearms for Manuel Fabian Celis-Acosta, his codefendant and the leader/organizer of the firearms trafficking conspiracy. The Court sentenced Moore on Counts 1 and 2 of the Indictment to a **57 month** term of imprisonment, to be followed by a two year term of supervised release.

Defendant *Jose Angel Polanco* was a straw purchaser for the trafficking organization who purchased 3 firearms on November 17, 2009. A former member of the Arizona Army National Guard, admitted that he was recruited by Manuel Fabian Celis-Acosta, his codefendant and the leader/organizer of the firearms trafficking conspiracy. The Court sentenced Polanco to a term of imprisonment of **18 months**, to be followed by a three year term of supervised release.

Defendant *Kenneth James Thompson* was a facilitator for the firearms trafficking organization. On July 12, 2010, he was arrested after transporting twenty (20) AK-47 style rifles for the firearms trafficking organization. Thompson has a prior felony conviction for drug trafficking. Prior to his arrest, Thompson attempted to evade police officers by driving his truck in a reckless manner in front of an oncoming train. The Court sentenced Thompson to the **60 month** maximum term of imprisonment on Count 1, to be followed by three years supervised release.

Defendant *Jonathan Earvin Fernandez* was a straw purchaser for the trafficking organization who purchased 49 AK-47 style firearms in a two-week time period. He admitted that he was recruited by codefendant Danny Cruz Morones, who received a custodial sentence of 57 months on October 15, 2012. The Court sentenced Fernandez to a **37 month** term of imprisonment, to be followed by a two year term of supervised release.

United States Attorney Duffy noted that, "These seven defendants were responsible for purchasing an arsenal of weapons, including over 300 military type assault rifles, for the firearms

trafficking organization. They purchased these “weapons of war” with knowledge that they would be smuggled to Mexico, where they would be used to fuel the ongoing violence. The sentences imposed by the court demonstrate that those who act as straw buyers for criminal organizations will face significant jail time.”

This case is being investigated by agents from the Bureau of Alcohol, Tobacco, Firearms and Explosives and the Internal Revenue Service-Criminal Investigation, in Arizona and prosecuted in the Southern District of California by Assistant United States Attorneys Shane P. Harrigan, Timothy Coughlin and Mark Conover.

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