

FILED

UNITED STATES DISTRICT COURT

UNITED STATES DISTRICT COURT
ROSWELL, NEW MEXICO

for the

District of New Mexico

JUN 08 2010 *[Handwritten mark]*

United States of America)

v.)

Carlos MARTELL)

Case No. 10MJ1690 CLERK

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 July 11, 2009 to January 21, 2010 in the county of Chaves in the
 District of New Mexico, the defendant(s) violated:

Code Section
18 USC 924(a)(1)(A)
18 USC 2

Offense Description
False statements on records of a Federal Firearms Dealer
Aiding and Abetting

This criminal complaint is based on these facts:

See attachment

Continued on the attached sheet.

Complainant's signature
Joshua Hernandez, ATF Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: 06/08/2010

Judge's signature

City and state: Roswell, New Mexico

Kea W. Riggs, US Magistrate Judge
Printed name and title

United States v. Carlos Martell

Your affiant, being duly sworn does depose and say:

1. That I am currently employed as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been so employed for approximately six years. Prior to my employment with ATF, I was employed by the United States Border Patrol for a period of five years. During the last six years, I have conducted and participated in investigations concerning persons who aid and abet other persons to knowingly make false statements with respect to information required to be kept by a licensed Federal Firearms Dealer. As a part of my training and experience, I know that it is unlawful for any person to pay another person to purchase a firearm from a licensed Federal Firearms Dealer (FFL) and indicate on the ATF Form 4473 that the firearm is for their own use when the firearm is actually not for their own use. This is more commonly known as a straw purchase.
2. That your affiant is aware that in order to purchase a firearm from a licensed Federal Firearms Dealer a person must complete an ATF form 4473 (Firearms Transaction Record). All information on the ATF Form 4473 is required by law to be true and correct.
3. That on May 18, 2010, ATF Special Agent Joshua Hernandez and ATF Task Force Agent Greg Carrasco interviewed Carlos MARTELL at the Roswell, New Mexico Police Department. During the interview MARTELL confessed to paying Confidential Source 1 (CS1) and Confidential Source 2 (CS2) to straw purchase firearms for MARTELL. MARTELL stated that he provided CS1 and CS2 the money to purchase the firearms and took possession of the firearms after they were purchased.
4. That your affiant had previously interviewed CS2 on January 22, 2010, where CS2 confessed to being paid to straw purchase four firearms for MARTELL. SA HERNANDEZ verified that CS2 purchased the following firearms at FFL's Zia Trading and Larry's Gun store.
 - a. Bersa, Model Mini Firestorm, .9mm, Semi Automatic Pistol, SN# 568447
Purchased January 20, 2010
 - b. Bersa, Model Thunder, .380 caliber, Semi Automatic Pistol, SN# 654577
Purchased January 20, 2010
 - c. Romanian, Model GP-WASR, 7.62x39 caliber, Semi-Automatic Assault Rifle, SN# AH84801989 Purchased January 14, 2010
 - d. DPMS, Model AR-15 Panther, .223 Caliber, Semi-Automatic Assault Rifle, SN# FH71203 Purchased January 21, 2010
5. That your affiant also verified that CS2 completed an ATF Form 4473 for each of the abovementioned four firearms answering "yes" to question 11 a. of the form which asks the following:

Are you the actual transferee/buyer of the firearm listed on the form?

6. CS2 was not the actual buyer of the firearms as CS2 admitted MARTELL paid for the firearms and also paid CS2 for making the straw purchases of the firearms.
7. That CS2 affirmative response to question 11 a. on ATF Form 4473 pertained to information the law requires a Federal Firearms Licensed Dealer to keep.
8. That your affiant was aware of the two abovementioned Bersa pistols purchased by CS2 but was informed by CS2 of the Romanian, Model GP-WASR and the DPMS, AR-15. These purchases were verified by your affiant. CS2 admitted that every firearm purchase he/she made during this time period was made for MARTELL.
9. That your affiant had previously interviewed CS1 on March 10, 2010, where CS1 confessed to being paid to straw purchase the following 10 firearms for MARTELL.

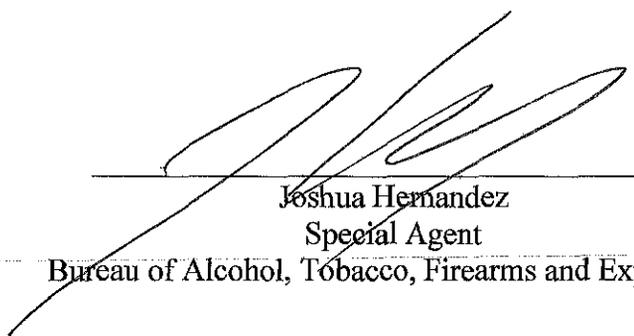
- a. Romanian, Model GP-WASR, 7.62x39 Caliber, Semi-Automatic Assault Rifle, SN# 1985-PU-4855 Purchased 07/11/2009
- b. CAI Romanian, Model WASR, 7.62x39 Caliber, Semi-Automatic Assault Rifle, SN# 1975FM419 Purchased 07/30/2009
- c. CAI Romanian, Model WASR, 7.62x39 Caliber, Semi-Automatic Assault Rifle, SN# 1983-AH4337 Purchased 08/20/2009
- d. Romanian, Model GP-WASR, 7.62x39 Caliber, Semi-Automatic Assault Rifle, SN# 1971DF4146 Purchased 10/1/2009
- e. CAI Romanian, Model WASR, 7.62x39 Caliber, Semi-Automatic Assault Rifle, SN# 19855-BC-1281 Purchased 10/07/2009
- f. CAI Romanian, Model WASR, 7.62x39 Caliber, Semi-Automatic Assault Rifle, SN# 1986-RB-2568 Purchased 10/15/2009
- g. Romanian, Model WASR-10, 7.62x39 Caliber, Semi-Automatic Assault Rifle, SN# 18890208R0 Purchased 11/13/2009
- h. Romanian, Model GP-WASR, 7.62x39 Caliber, Semi-Automatic Assault Rifle, SN# 1973EZ1593 Purchased 11/23/2009
- i. Norinco, Model NAK-90, 7.62x39 Caliber, Semi Automatic Assault Rifle, SN# 9356717 Purchased 12/17/2009
- j. Romanian, Model GP-WASR, 7.62x39 Caliber, Semi-Automatic Assault Rifle, SN# BY-0493-86 Purchased 02/05/2010

10. That your affiant also verified that CS1 completed an ATF Form 4473 for each of the abovementioned 10 firearms answering "yes" to question 11 a. of the form which asks the following:

Are you the actual transferee/buyer of the firearm listed on the form?

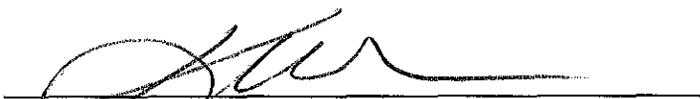
11. CS1 was not the actual buyer of the firearms as CS1 admitted MARTELL paid for the firearms and also paid CS2 for making the straw purchases of the firearms.

12. That CS1 affirmative response to question 11 a. on ATF Form 4473 pertained to information the law requires a Federal Firearms Licensed Dealer to keep.
13. That based on the above-mentioned facts, your affiant believes probable cause exists for the issuance of an arrest warrant for the person known as Carlos MARTELL, for the violation of 18 USC Section 2 Aiding and Abetting to commit 18 U.S.C. Section 924(a)(1)(A) False statements during the acquisition of a firearm causing the records of a licensed FFL to be inaccurate.
14. This complaint was approved by Assistant United States Attorney Nathan Lichvarcik.



Joshua Hernandez
Special Agent
Bureau of Alcohol, Tobacco, Firearms and Explosives

**SUBSCRIBED AND SWORN TO BEFORE ME ON THIS 8th DAY OF June,
2010.**



UNITED STATES MAGISTRATE JUDGE