

UNITED STATES DISTRICT COURT
for the
Northern District of California

United States of America
v.

ERIC CARRILLO, aka "Elocs", and
JUAN CONCHAS-CARRILLO

Case No.

FILED UNDER SEAL

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 29, 2019,-October 2, 2019 in the county of Contra Costa in the
Northern District of California, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 371

Conspiracy to Deal Firearms Without a License

Maximum Penalties: 5 years' imprisonment; 3 years
supervised release; \$250,000 fine; \$100 special
assessment; forfeiture

This criminal complaint is based on these facts:

Attached Affidavit of Bureau of Alcohol, Tobacco, Firearms & Explosives Special Agent Richard P. Timbang

Continued on the attached sheet.

Approved As To Form:

/s/ Samantha Schott Bennett

AUSAs SAMANTHA SCHOTT
BENNETT and JONATHAN U. LEE

/s/ Richard P. Timbang

Complainant's signature

Richard P. Timbang, Special Agent, ATF

Printed name and title

Sworn to before me by telephone.

Date: Sept. 8, 2020

Judge's signature

City and state: Oakland, California

Hon. Donna M. Ryu, U.S. Magistrate Judge

Printed name and title

1 **AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

2 I, Richard P. Timbang, a Special Agent with the United States Bureau of Alcohol, Tobacco,
3 Firearms and Explosives, being duly sworn, state:

4 **I. INTRODUCTION**

5 1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives
6 (“ATF”) and have been so employed since June 2004. I am presently assigned to the ATF Oakland Field
7 Office in Oakland, California. As a Special Agent with ATF, my responsibilities include conducting
8 criminal investigations concerning alleged violations of Federal laws that encompass alcohol/tobacco
9 diversion, arson, firearms, and explosive investigations as well as alleged violations of Federal narcotic
10 laws. I am a graduate of the Federal Law Enforcement Training Center's Criminal Investigator Training
11 Program, and the ATF National Academy's Special Agent Basic Training, a combined twenty-three
12 week regimen covering subject matters including, among other things, firearm identification, trafficking,
13 and interdiction; confidential source recruitment/management and undercover techniques; and asset
14 identification, seizure, and forfeiture. Since graduating from the Academy, I have attended seminars and
15 courses during which I received further training in the laws and investigative techniques relating to pen
16 registers/trap and trace; phone toll analysis; the forensic extraction and analysis of digital evidence; Title
17 III; electronic and physical surveillance; advance firearms trafficking; interstate nexus determination of
18 firearms and ammunition; cyber and fraud crimes; financial investigations; asset forfeiture; and narcotics
19 investigations.

20 2. As an ATF Special Agent, I have been involved in the execution of numerous state and
21 federal firearm-and narcotics-related search and arrest warrants. I have conducted multiple
22 investigations of illicit drug and firearms trafficking, as well as the illegal possession of firearms. As an
23 investigator, I have observed targets sell, purchase, transport, transfer, and otherwise distribute narcotics
24 and firearms. These investigations have resulted in the arrests of multiple individuals and the seizure of
25 various types of evidence, including, but not limited to, controlled substances, electronic devices
26 containing communications between co-conspirators, packaging materials used to conceal controlled
27

1 substances, firearms, firearm accessories, ammunition, pay-owe ledgers. I have participated in debriefs
2 and proffers of defendants and confidential informants regarding their involvement in drug and gun
3 trafficking activities, including methods of communicating with co-conspirators and efforts to conceal
4 their illegal conduct from law enforcement

5 3. I am an investigative or law enforcement officer of the United States, within the meaning
6 of Title 18 United States Code, Section 2510(7), and am empowered by law to conduct investigations of
7 and to make arrests for offenses enumerated in 18 U.S.C. § 2516.

8 4. I submit this Affidavit in support of a Criminal Complaint charging Eric CARRILLO,
9 aka "Elocs," and Juan Antonio CONCHAS-CARRILLO with Conspiracy to Deal Firearms Without a
10 License, in violation of 18 U.S.C. §§ 371 and 922(a)(1)(A):

11 5. Because this affidavit is being submitted for the limited purpose of securing a criminal
12 complaint and arrest warrants for the two individuals named herein, I have not included every fact
13 known to me concerning this investigation. I have set forth only those facts that I believe are necessary
14 to establish probable cause to believe that beginning on a date unknown, but no later than July 29, 2019,
15 and continuing through at least October 2, 2019, in the Northern District of California, CARRILLO and
16 CONCHAS-CARRILLO agreed with each other and with others to deal in firearms without a license, in
17 violation of 18 U.S.C. §§ 371 and 922(a)(1)(A).

18 6. Where statements made by other individuals are referenced in this Affidavit, such
19 statements are described in sum and substance and in relevant parts only. Similarly, where information
20 contained in reports and other documents or records are referenced in this Affidavit, such information is
21 also described in sum and substance and in relevant part only. The information provided in this
22 Affidavit is based on sources that I believe to be reliable,¹ including but not limited to, my review of
23 surreptitious recordings of the targets of the investigation, law enforcement reports, and database
24 records. The investigation described herein was accomplished by the ATF, the Concord Police
25 Department (CPD), the Drug Enforcement Administration (DEA), and the Federal Bureau of

26
27 ¹ The reliability of any confidential sources is addressed separately herein.

1 Investigation (FBI). This Affidavit also includes information obtained through conversations with other
2 law enforcement officers. My understanding of the significance of certain facts and circumstances may
3 evolve or change as new information is discovered in the course of the investigation.

4 **II. APPLICABLE LAW**

5 7. Under 18 U.S.C. § 371, it is unlawful for two or more persons to conspire either to
6 commit any offense against the United States, and one or more of such persons do any act to effect the
7 object of the conspiracy.

8 8. Under 18 U.S.C. § 922(a)(1)(A), it is unlawful for anyone who is not a licensed dealer to
9 engage in the business of dealing in firearms.

10 **III. FACTS ESTABLISHING PROBABLE CAUSE**

11 9. Based on information gain through the course of the investigation, including
12 surreptitiously recorded interactions with CARRILLO and others, I believe CARRILLO is a Sureño gang
13 member or associate of the gang. ATF CI-1 has observed Snapchat posts by CARRILLO showing
14 CARRILLO dressed in blue clothing and holding up a number three hand sign. I know wearing blue
15 clothing and displaying the number three to be a common way for individuals to identify themselves as
16 Sureno gang members.

17 10. As an ATF Special Agent, I have access to the licensing records of persons engaged in
18 the business of importing, manufacturing, or dealing in firearms. I know that neither CARRILLO nor
19 CONCHAS-CARRILLO are licensed to engage in the business of importing, manufacturing, or dealing
20 in firearms.

21 **A. Introduction to CARRILLO**

22 11. In late July and August 2019, an ATF Confidential Informant (herein, “CI-1”)²
23 communicated with a person later identified to be CARRILLO, who went by the moniker “E-locs,”

24 ² CI-1 is an individual who has worked for CPD, as well as another police department. In
25 exchange, CI-1 has received pecuniary payments for his/her assistance. The information provided to
26 ATF/FBI/Concord PD by CI-1 has, to date, been found to be credible and much of it has been
27 corroborated through contemporaneous recordings, as well as other methods. CI-1 has sustained
previous felony and misdemeanor convictions for crimes related to possession of a controlled substance,
theft of access card, burglary, exhibiting a deadly weapon not firearm, grand theft, and obstructing a

1 about purchasing drugs and guns. During this timeframe, CARRILLO had two Glock pistols and Glock
2 “switches” (full-auto conversion kits: machineguns) for sale.

3 12. I know that a “switch” is a conversion device constructed from a machined, three-piece,
4 metallic Glock-type back plate, a metal “leg,” and a metal “selector” rod. The back plate houses the leg
5 and selector rod, which is designed to enable the pistol to fire in either semi-automatic or automatic
6 machinegun mode. The “switch” functions by using the forward extending metal leg to push the trigger-
7 bar down and out of engagement with the firing pin as the slide closes, thereby allowing the firing pin to
8 travel forward and fire a round of ammunition. When the trigger is depressed, this device enables a
9 Glock-type pistol to shoot automatically more than one shot, without manual reloading, by a single
10 function of the trigger.

11 13. As a result, the firearm with a “switch” applied becomes a machinegun. I know that with
12 few exceptions, it is unlawful for “any person to transfer or possess a machinegun.” 18 U.S.C. § 922(o).
13 A “machinegun” is “any weapon which shoots, is designed to shoot, or can be readily restored to shoot,
14 automatically more than one shot, without manual reloading, by a single function of the trigger.” 26
15 U.S.C. § 5845(b); 18 U.S.C. § 921(a)(23) (incorporating the definition of “machinegun” in 26 U.S.C. §
16 5845(b)).

17 14. CARRILLO also informed CI-1 that he (CARRILLO) had AR-style rifles for sale.
18 CARRILLO informed CI-1 that he also sells grams of cocaine for \$80 and ounces of cocaine for \$1,000.

19 **B. August 13, 2019: Sale of Firearms by CARRILLO**

20 15. On or about July 29, 2019 to August 13, 2019, CI-1 had contact with CARRILLO
21 through a social media application, “Snapchat.” During these contacts, CARRILLO informed CI -1 of

22 _____
23 public officer. CI-1 has previous arrest for various offenses, including but not limited to the following:
24 possess/purchase for sale controlled substance, use/under the influence of controlled substance, obstruct
25 public officer, possess controlled substance, possess controlled substance paraphernalia, drive without a
26 license, possess marijuana 1oz or less while driving, possess/sell dangerous weapon, probation violation,
27 theft, petty theft, conspiracy commit crime, possess burglary tools, take vehicle without consent, use or
access account info without consent, possess unlawful paraphernalia, robbery, false imprisonment,
assault deadly weapon not firearm, burglary, carry concealed dirk or dagger, exhibit deadly weapon not
firearm, tamper with vehicle, grand theft, and receive known stolen property. To my knowledge, CI-1 is
not presently working in consideration for any pending criminal charges.

28 TIMBANG AFF. IN SUPPORT OF CRIMINAL COMP.
[UNDER SEAL]

1 two “Polymer 80 Inc.” handguns for sale. CARRILLO sent a video of the two firearms (each displaying
2 high-capacity magazines) to CI-1. In the video, the two firearms are laying on top of a blue bandana.
3 Based on training, experience, and discussions with other law enforcement officers, I know Sureño gang
4 members use blue bandanas as an indication of their membership with the gang. A still image from the
5 video is depicted to below:



6
7
8
9
10
11
12
13
14
15
16
17 16. During the contacts, CARRILLO informed CI-1 that the price for both firearms together
18 would be \$2,000 and would come with “30 clips” (30 round magazines). Additionally, CARRILLO
19 informed CI -1 that he (CARRILLO) can obtain Glock switches for \$180 each from his cousin.
20 CARRILLO informed the CI he could obtain two Glock switches by Tuesday, August 13, 2019. The
21 transaction was set for the following day, August 13, 2019. CARRILLO requested the CI meet him at
22 his apartment in Brentwood, CA.

23 17. On or about August 13, 2019, CI-1 and an ATF Task Force Officer working in an
24 undercover capacity (hereinafter “UC”), met with CARRILLO at the parking lot of a Dollar Tree at 51
25 W. Sand Creek Road, Brentwood, California and purchased two Polymer 80 handguns from
26 CARRILLO for \$2,000.

1
2 18. CARRILLO arrived at the transaction location with a brown paper bag, from which he
3 pulled out the two handguns with extended 30 round magazines. The still image below shows
4 CARRILLO pulling one of the firearms out of the brown paper bag. The red arrow depicts the location
5 of the firearm.



17 19. CARRILLO advised that the guns he was providing were known as “ghost guns.” Based
18 on my training and experience, I know that a “ghost gun” is a term used for a privately made firearm
19 that lacks commercial serial numbers or other common identifying marks. Further, I know that
20 individuals engaged in criminal conduct often believe that using a ghost gun makes it more difficult for
21 law enforcement to trace the weapon and/or connect the use of the firearm to illegal conduct such as
22 shootings or illegal firearms sales.

23 20. CARRILLO advised that he could get more guns to sell. CI-1 asked CARRILLO about
24 the Glock “switches.” CARRILLO advised that his cousin who lives in Martinez, California was in
25 possession of the “switches.” CARRILLO advised that his cousin who has a 3D printer would be
26 willing to sell the switches to the UC and CI. CARRILLO further advised that his cousin also builds

1 and sells AR-15 rifles. CARRILLO stated, however, that he did not know how much his cousin charged
2 for the rifles. CARRILLO and the UC completed the firearms transaction. Before leaving the area,
3 CARRILLO stated that they possessed “throw away” handguns that they sell for cheap. CARRILLO
4 stated that the guns he offered to sell could be used to kill someone if desired. CARRILLO advised that
5 they charge about \$500 to \$600 dollars for each one.

6 **C. August 21, 2019: Sale of firearms by CARRILLO and CONCHAS-CARRILLO**

7 21. During phone contacts, CARRILLO informed the UC that he had an AR (understood to
8 be an AR-15 style rifle) for \$1,200.00 and two Glock “switches.” The UC and CARRILLO agreed to a
9 transaction for an AR rifle, two Glock “switches,” and six high capacity magazines for \$1,900 dollars.

10 22. On or about August 21, 2019, the UC met with CARRILLO at the parking lot of Dollar
11 Tree located at 51 West Sand Creek Road, Brentwood, California. The UC purchased one firearm (AR
12 style pistol, NFA Any Other Weapon [AOW]), two Glock switches and six high capacity magazines
13 from CARRILLO and his associates for \$1,900. Upon CARRILLO’s arrival, the UC observed that
14 CARRILLO was not in possession of any bags. CARRILLO advised that his cousin, who was later
15 identified as Juan CONCHAS-CARRILLO, was in possession of the items and was parked in the
16 parking lot in a white truck. Shortly thereafter, CARRILLO exited the vehicle and stood nearby.

17 23. Soon thereafter, a white Nissan Frontier, bearing California license plate “23368J2,”
18 pulled alongside the vehicle in which the UC waited. The UC observed an an adult Hispanic female,
19 who was later identified as Jasmine CARRILLO, driving the Nissan. The UC walked over to the truck
20 and sat in the rear left seat behind the driver’s side seat. CONCHAS-CARRILLO was seated in the
21 right front passenger seat. A male Hispanic in the rear right passenger seat introduced himself as
22 “NITO.” CONCHAS-CARRILLO turned his body to the rear seat and opened a black colored suitcase.
23 The UC observed the AR-style pistol separated into two pieces, i.e. the lower and upper receiver.
24 CONCHAS-CARRILLO searched through the bag and he located a clear plastic sandwich bag that
25 contained two (2) Glock switches. CONCHAS-CARRILLO handed the clear plastic sandwich bags
26 containing the two Glock switches to the UC, who asked CONCHAS-CARRILLO if the Glock switches
27

1 were “fullies.” I know a reference to “fully” is a street term to describe machineguns, short for fully-
2 automatic. CONCHAS-CARRILLO affirmed that they were fullies. The UC then retrieved the items in
3 the bag and placed them into a bag. CONCHAS-CARRILLO advised that the AR-style pistol was
4 \$1,200 dollars, the two (2) Glock switches were \$400 dollars and the six (6) 30-round magazines were
5 \$300 dollars. During this time, the UC handed cash amounting to \$1,900 to CONCHAS-CARRILLO.
6 The still image below shows CONCHAS-CARRILLO counting the cash payment to complete this
7 transaction.



8
9
10
11
12
13
14
15
16
17
18 24. I know that under 26 U.S.C. § 5861(d), it is unlawful for anyone to receive or possess a
19 firearm which is not registered to him in the National Firearms Registration and Transfer Record.
20 “Firearms” that must be registered are defined under 26 U.S.C. § 5845, and include “machineguns.”

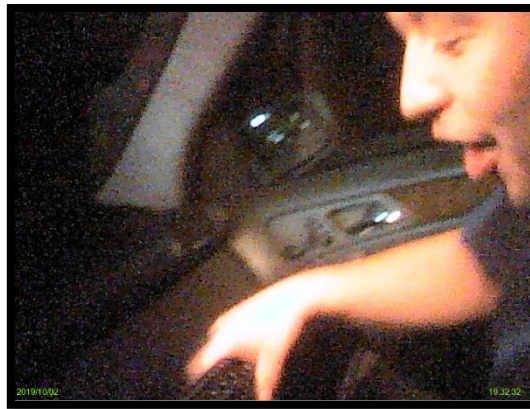
21 25. A query into the National Firearms Registration and Transfer Records for CARRILLO
22 and CONCHAS-CARRILLO returned negative results for both revealing that neither person had any
23 NFA firearms registered to them. Additionally, the AR-type pistol’s serial number was obliterated.
24 Later, the Glock switches (full-auto conversion kits) were submitted to the ATF Firearms and
25 Ammunition Technology Branch to be examined and subsequently classified as machineguns.
26
27

1 Furthermore, the AR-style pistol had a forward grip installed on it, making it an NFA AOW (any other
2 weapon) with its serial number obliterated.³

3 **D. October 2, 2019 sale of firearm by CARRILLO**

4 26. From August 26 to October 2, 2019, the UC had phone contacts with CARRILLO
5 regarding purchasing firearms. During these contacts, CARRILLO sent photographs of two AR-style
6 firearms and a revolver to the UC. CARRILLO stated the AR-style firearms cost \$1,600 each and the
7 revolver cost \$700. CARRILLO advised the UC that the AR pistols had a threaded barrel so that it
8 would be capable of placing a suppressor or silencer on the weapon. Ultimately, a deal was arranged for
9 CARRILLO to sell the UC an AR-style firearm (\$1,600) and a Glock-26 handgun (\$1,100).

10 27. On or about October 2, 2019, the UC met CARRILLO at the Extended Stay America
11 parking lot located at 3220 Buskirk Avenue, Pleasant Hill, California. CARRILLO sold an AR-style
12 pistol and a Polymer 80 handgun to the UC for a total of \$2,700. The still image below shows
13 CARRILLO holding one of the firearms involved in the transaction.



21 28. CARRILLO told the UC that he (CARRILLO) was doing whatever he could to make
22 money so that he could purchase a car. CARRILLO advised that he was receiving the firearms from a
23 new person and that he would be able to negotiate better prices for the firearms.

24 ///

25
26 ³ As a result, CARRILLO and CONCHAS-CARRILLO also violated provisions of the National
27 Firearm Act at 26 U.S.C. § 5861(d), § 5861(e), § 5861 (h), § 5861(i), and § 5845(e).

1 **IV. CONCLUSION**

2 29. Based on the information set forth in the paragraphs above, I submit that there is probable
3 cause to believe that between at least July 29, 2019, and continuing through at least October 2, 2019, in
4 the Northern District of California, CARRILLO and CONCHAS-CARRILLO agreed with each other
5 and with others to deal firearms without a license, in violation of 18 U.S.C. §§ 371 and 922(a)(1)(A).

6 30. Accordingly, based upon the foregoing, I respectfully request that the Court sign the
7 requested criminal complaint and issue the requested arrest warrants.

8 31. I declare under penalty of perjury that the statements above are true and correct to the
9 best of my knowledge and belief.

10
11 /s/ Richard Timbang
12 RICHARD P. TIMBANG
13 Special Agent
14 Bureau of Alcohol, Tobacco, Firearms and
15 Explosives

16 Sworn to before me over the telephone and signed by me pursuant to Fed.R.Crim.P. 4.1 and 4(d) this
17 8th day of September, 2020.

18
19 
20 HONORABLE DONNA M. RYU
21 United States Magistrate Judge