

SEALED

AO 91 (Rev 5/85) Criminal Complaint

United States District Court
WESTERN DISTRICT OF TEXAS

Filed 3/5/2008
Clerk, U. S. District Court
Western District of Texas
By _____
Deputy

UNITED STATES OF AMERICA
V.
Celerino CASTILLO III
aka "Cele", "Celle", "Sully"
(Name and Address of Defendant)

CRIMINAL COMPLAINT


CASE NUMBER: SA-08-160M

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about December 2006 to March 2008 in Bexar county, in the Western District of Texas defendant(s) did, (*Track Statutory Language of Defense*) deal in firearms without a Federal Firearms License, Conspire to falsify ATF Form 4473 to mislead a federal firearms licensee, and Conspire to smuggle firearms into a foreign country in violation of Title 18 United States Code, Section(s) 922(A)(1)(a), Title 18 USC 371 to violate Title 18 USC 922(a)(6), and Title 18 USC 371 to violate Title 18 USC 554.

I further state that I am a(n) Special Agent and that this complaint is based on the following facts: See attached affidavit.

Continued on the attached sheet and made part hereof:

Yes No



Signature of Complainant

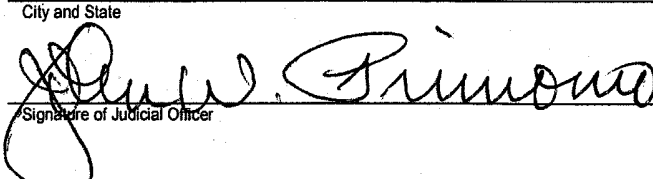
Sworn to before me and subscribed in my presence,

MARCH 5, 2008

Date
John W. Primomo, U.S. Magistrate Judge

Name and Title of Judicial Officer

San Antonio, Texas

at _____
City and State


Signature of Judicial Officer

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AFFIDAVIT

Your affiant, being duly sworn does depose and say:

1. That your affiant is currently employed as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been so employed for more than five years. That during the past three years I have conducted and participated in dozens of investigations concerning persons in violation of Federal firearms laws, specifically for a person who conspires with one or more persons to knowingly making false statements oral or written to obtain firearms with the intent to deceive the Federal Firearms Licensee in violation of Title 18 USC 922 (a)6) and Title 18 USC 371. I also know that it is a violation of Federal law to conspire with one or more persons to smuggle firearms into a foreign country in violation of Title 18 USC 554 and Title 18 USC 371. I know that it is a violation of Federal Firearms law to engage in the business of dealing in firearms without a Federal Firearms License in violation of Title 18 USC 922 (A) (1) (a).
2. In February 2008, your affiant began an investigation involving firearms trafficking by several individuals, including Celerino CASTILLO III, (Aka's "Cele", "Celle", "Sully", W/M, DOB:10/13/1949, hereinafter referred to as CASTILLO III), Jay LEMIRE, (W/M, DOB:03/23/1970, hereinafter referred to as LEMIRE), and Dominick COLOMBRITO, (W/M, DOB 07/27/1956, hereinafter referred to as COLOMBRITO).
3. On February 08, 2008, your affiant with ATF S/A Darby Wheeler interviewed LEMIRE at his residence regarding his numerous purchases of FN firearms from 2006 to the present. LEMIRE admitted to buying dozens of FN, Glock, and Beretta handguns for CASTILLO III. LEMIRE stated the first time he purchased firearms for CASTILLO III was in December 2006. LEMIRE stated he gets paid \$250.00 in cash for each firearm he purchases for CASTILLO III. LEMIRE stated it appears CASTILLO III is filling an order and has made comments about "backers" providing money to purchase the firearms. LEMIRE stated CASTILLO III has told him that if ATF or any other law enforcement came to his house to just say nothing and not let them in the house.
4. On February 11, 2008, your affiant, ATF S/A Wheeler, Immigration and Customs Enforcement (ICE) S/A Marcus Sexton interviewed LEMIRE at the San Antonio ATF Field Office. LEMIRE stated that in addition to the above statements CASTILLO III made numerous comments about his "backers" having a hard time crossing the border and getting all of the money across the border. LEMIRE provided a written and signed statement as to all of the firearms he had purchased for

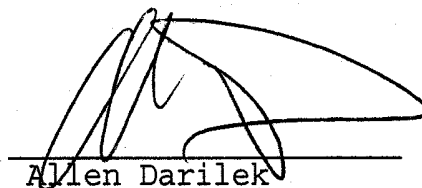
CASTILLO III in the past. During this interview LEMIRE identified CASTILLO III from an ATF photo spread. Also during this interview LEMIRE received a phone call from CASTILLO III who was putting in an order for five handguns and one rifle.

5. On February 13, 2008, LEMIRE recorded a telephone conversation with CASTILLO III regarding the acquisition of four Sig Sauer Elite handguns. CASTILLO III told LEMIRE that he needed four Sig Sauer handguns.
6. On February 14, 2008, LEMIRE recorded a telephone conversation with CASTILLO III discussing the acquisition of two Sig Sauer Elite .40 caliber handguns and numerous hunting rifles. LEMIRE and CASTILLO III also discussed their plans for the upcoming gun show.
7. On February 16, 2008 at approximately 8:45 AM, LEMIRE recorded a telephone conversation with CASTILLO III discussing the acquisition of two Benelli shotguns, Sig Sauer handguns, a Winchester shotgun, a Sako rifle, a Steyr rifle, and two Remington rifles.
8. On February 16, 2008 at approximately 11:30 AM LEMIRE recorded a telephone conversation with CASTILLO III discussing the acquisition of shotguns. CASTILLO III and LEMIRE also discussed the switch between the FN firearms and Sig firearms.
9. On February 16, 2008, LEMIRE recorded a conversation with CASTILLO III discussing the order of FN firearms.
10. On February 16, 2008, your affiant and S/A Sexton followed LEMIRE to the Austin, Texas gun show located at the Crockett Convention Center in Austin, Texas. Your affiant and S/A Sexton observed CASTILLO III meet with LEMIRE. CASTILLO III gave LEMIRE cash while in the mens restroom at the gun show to straw purchase firearms. LEMIRE straw purchased two Sig Sauer handguns from RB Treasures, A Federally Licensed Firearms Dealer (FFL), salesman Dominick COLOMBRITO (not an FFL only working for RB Treasures, also a previously convicted felon). LEMIRE filled out the ATF Form 4473 with CASTILLO III standing beside him. CASTILLO III then walked off and LEMIRE paid for the handguns in cash and both LEMIRE and CASTILLO III exited the gun show. Your affiant observed this transaction and it appeared that COLOMBRITO was fully aware of the straw purchase. CASTILLO III and COLOMBRITO talked for a few minutes without LEMIRE and then the straw purchase proceeded. LEMIRE contacted your affiant and stated he had purchased two Sig Sauer Elite pistols for CASTILLO III and they were now heading to Cabelas in Buda, Texas to purchase some additional firearms.
11. CASTILLO III was observed leaving the Austin Gun Show in a Silver Nissan Titan pickup truck with Texas License Plate 98H-YT7. CASTILLO III and LEMIRE then arrived at Cabelas and entered the store. Your affiant and S/A Sexton observed

through Cabelas Loss Prevention video surveillance (which was recorded and entered into evidence) CASTILLO III and LEMIRE while they were in the store. CASTILLO III and LEMIRE looked at a shotgun and a handgun. CASTILLO III then got on his cell phone (one of two that he carries) for a few minutes and then returned and gave LEMIRE a roll of cash. LEMIRE then straw purchased a Benelli, Model Super Black Eagle 2, 12 gauge shotgun, serial number U348995 and a Sig Sauer, Model P226, .40 caliber pistol, serial number U763739. LEMIRE paid in cash and then exited the store with CASTILLO III a short distance behind. When CASTILLO III and LEMIRE met at their vehicles (they are parked next to each other) LEMIRE handed the purchased firearms to CASTILLO who put them in his vehicle. LEMIRE also handed the gun show purchased firearms (paragraph 10 above) to CASTILLO III who also puts those in his vehicle. LEMIRE was paid \$500.00 in cash by CASTILLO III for the straw purchase of the four firearms.

12. ATF and ICE S/A's conducted surveillance on CASTILLO III as he traveled to McAllen, Texas in his Nissan Titan truck bearing license plate 98H-YT7. Upon CASTILLO III arriving in McAllen, Texas, CASTILLO III met with individuals driving a Ford Expedition at a Valero/Stripes Convenience Store located at the intersection of State Highway 281 and Richardson Road. CASTILLO III also met with individuals driving a Mazda car with two individuals at the same Valero/Stripes store. CASTILLO III met with another individual at this same Valero/Stripes convenience store in a pickup truck. CASTILLO III then left the convenience store and met with two other individuals driving a brand new (with paper tags) Chevrolet four door pickup truck at a Whataburger near the intersection of State Highway 281 and State Highway 83.
13. On February 19, 2008, LEMIRE recorded a telephone conversation with CASTILLO III regarding the acquisition of three Sig Sauer Elite handguns and two Benelli shotguns.
14. Your affiant has obtained the ATF Form 4473's for 29 firearms from numerous Federal Firearms Licensees (FFL), that show LEMIRE has purchased 29 firearms for CASTILLO III. LEMIRE admittedly falsified his answer to question 11 (a): "Are you the actual buyer of the firearm listed on this form?" LEMIRE answered "yes" to this question when he was actually being paid by CASTILLO III to purchase the firearms for CASTILLO III.


15. Based upon the above-mentioned information, I believe that CASTILLO III, LEMIRE, and COLOMBRITO conspired together to falsify Firearm Transaction Records, ATF Form 4473, in order to purchase firearms with the intent to deceive the Federal Firearms Licensee in violation of title 18, USC, 371 and Title 18 USC 922 (a) (6). I also believe that CASTILLO III conspired with LEMIRE, COLOMBRITO, and others to smuggle firearms into a foreign country in violation of Title 18 USC 554. I believe that CASTILLO III is dealing in firearms without a Federal Firearms License in violation of Title 18 USC 922 (A) (1) (a). Furthermore, I believe that probable cause exists for the issuance of an arrest warrant for Celerino CASTILLO III.



Allen Darilek
Special Agent, Bureau of
Alcohol, Tobacco and Firearms

SUBSCRIBED AND SWORN TO BEFORE ME

THIS 5TH DAY OF March 2008.



JOHN W. PRIMOMO
United States Magistrate Judge

Approved for 18 USC § 371, 922(a)(1)(A), and
922(a)(6) only
JWP.