

AO 91 (Rev. 02/09) Criminal Complaint

United States District Court
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT
for the
Southern District of Texas

MAY - 2 2010

David J. Bradley, Clerk

United States of America)
v.)
Manuel TIJERINA-HERRERA)
YOB: 1963)
Citizen of Mexico)
Defendant

Case No. M-10-1568-M

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 of 04/30/2010 in the county of Hidalgo in the Southern District of Texas, the defendant violated 18 U. S. C. § 924(a)(1)(A) and 371, an offense described as follows:

in that the defendant Manuel TIJERINA-HERRERA did conspire to knowingly make false written statements or representations with respect to the information required to be kept in the records of a licensed Federal firearms dealer,

This criminal complaint is based on these facts:

SEE ATTACHMENT A

Continued on the attached sheet.



Complainant's signature

Kevin D. Brown - ATF Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 05/02/2010 4:02 pm
City and state: McAllen Texas



Judge's signature

United States Magistrate Judge Peter Ormsby

Printed name and title

ATTACHMENT A

I, Special Agent Kevin D. Brown, affiant, do hereby depose and state the following:

I am a Special Agent of the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I have been a law enforcement officer since April 2009.

1. My duties include the investigation of violations of the Federal firearms laws. I know it to be unlawful for any person in connection with the acquisition or attempted acquisition of any firearm(s) from a licensed dealer, knowingly to make any false or fictitious oral or written statement or to furnish or exhibit any false, fictitious, or misrepresented identification, intended or likely to deceive such dealer with respect to any fact material to the lawfulness of the sale of such firearm(s). Furthermore, it is a violation of the Federal firearms laws for a person to knowingly make any false statement or representation with respect to the information required to be kept in the records of a licensed Federal firearms dealer (FFL).
2. On April 30, 2010, your affiant received information from a concerned Federal Firearms Licensee (FFL) referencing suspicious firearm purchasing activity by a person identified as Jesse Noel GONZALEZ. The FFL relayed to your affiant that GONZALEZ did not appear to be very knowledgeable of firearms and that he was attempting to purchase the same type of firearm that he had purchased several weeks prior. Your affiant and a team of McAllen ATF Agents responded to the store to conduct surveillance on GONZALEZ. ATF Agents witnessed GONZALEZ leave McAllen, FFL No. 5-74-215-01-1H-02083, Resilient Defense Systems (RDS) carrying a black rifle case. Your affiant later contacted the FFL and determined that the FFL had sold GONZALEZ a Bushmaster, model XM15 E2S, .223 caliber rifle, S/N L538235. GONZALEZ placed the black rifle case into a red Dodge Neon, Texas registration 753 HMF. Agents followed GONZALEZ to Klub Infinity located at 500 East Hackberry, McAllen, TX. Agents witnessed GONZALEZ exit his vehicle and enter the club. GONZALEZ exited the club a short time later accompanied by three unknown Hispanic males. The firearm was moved from GONZALEZ' red Dodge Neon into a Silver colored Chevrolet pickup truck bearing Texas registration 21V HF7. GONZALEZ left the area driving the red Dodge Neon. Agents followed GONZALEZ to 206 West Thelma, San Juan, TX.
3. The three Hispanic males, one later identified as Manuel TIJERINA-HERRERA, entered the silver Chevrolet pickup truck bearing Texas registration 21V HF7 and drove to a house located at 225 East Laurel Avenue, McAllen, TX. TIJERINA- HERRERA operated the vehicle. Agents witnessed the black rifle case being transported from the silver pickup truck into 225 East Laurel Avenue, McAllen, TX. All three men then left the residence together in the same Chevrolet pickup truck.
4. Meanwhile, your affiant approached GONZALEZ in front of 206 West Thelma, San Juan, TX. Your affiant identified himself as an ATF Agent and informed GONZALEZ that your affiant would like to speak to him about a firearm purchase and GONZALEZ agreed. Prior to any questioning, your affiant read GONZALEZ ATF Form 3200.4 "Advice of Rights and Waiver". GONZALEZ agreed to speak

ATTACHMENT A

with Agents as noted by his initials and signature on the form. In sum but not verbatim GONZALEZ stated the following: GONZALEZ admitted he had purchased the Bushmaster firearm for a man he knows as "Licenciado" (Identified by Agents as TIJERINA-HERRERA). GONZALEZ stated TIJERINA-HERRERA owns Klub Infinity in McAllen, Texas. GONZALEZ stated he went to Klub Infinity at 2:00 PM where he received \$1,100.00 from TIJERINA-HERRERA to purchase a .223 caliber rifle. GONZALEZ stated after he purchased the firearm, he returned to Klub Infinity and dropped the firearm off with TIJERINA-HERRERA. GONZALEZ stated he placed the firearm in the bed of TIJERINA-HERRERA's khaki-colored truck. GONZALEZ stated he received \$200.00 cash payment in exchange for purchasing the firearm. GONZALEZ stated this was the third time he had purchased a firearm for TIJERINA-HERRERA in exchange for \$200.00 each time. GONZALEZ stated that he received approximately \$5,300 dollars cash from TIJERINA-HERRERA to purchase firearms, and \$600 cash as payment for purchasing the firearms. GONZALEZ stated that he and TIJERINA-HERRERA would arrange firearm purchases via cellular telephone.

5. Using the information gathered from GONZALEZ, McAllen ATF Agents approached TIJERINA-HERRERA at his residence and took him into custody. Agents then secured the residence for a search warrant. Your affiant learned from other ATF Agents that TIJERINA-HERRERA is tied into other firearms trafficking investigations. A Federal Search Warrant was applied for and obtained for 225 East Laurel Avenue, McAllen, TX. A search of the residence revealed that the Bushmaster rifle purchased by GONZALEZ was inside the residence.
6. Based upon the above information, Manuel TIJERINA-HERRERA violated the Federal Firearms Laws by recruiting Jesse GONZALEZ to illegally straw purchase firearms. Manuel TIJERINA-HERRERA is in violation of Title (18) United States Code, Sections 924(a)(1)(A) and 371.

Kevin D. Brown - ATF Special Agent

Sworn to before me and subscribed in my presence,

05/02/2010

United States Magistrate Judge Peter Ormsby

Date