

# United States Senate

WASHINGTON, DC 20510

February 9, 2011

Via Electronic Transmission

The Honorable Eric H. Holder, Jr.  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530

Dear Attorney General Holder:

During our meeting on January 31, I provided you with copies of my recent letters to Acting ATF Director Kenneth E. Melson. I had received serious allegations from ATF whistleblowers. ATF agents told my staff that the agency allowed the sale of assault rifles to known and suspected straw purchasers for an illegal trafficking ring near the southwest border. Authorities allegedly recovered two of those weapons at the scene of a firefright near the southwest border on December 14, 2010. Customs and Border Protection Agent Brian Terry lost his life in that firefright and may have been killed with one of those two rifles. That is why I requested nearly two weeks ago that the ATF brief my staff as soon as possible.

Unfortunately, the reaction to my request has, so far, been little more than delay and denial. I finally received a letter at close of business on Friday, February 4, in response to my request. It came not from the ATF, but from the Justice Department. In that letter, the Department categorically denied that the ATF “knowingly allowed the sale of assault weapons to a straw purchaser....” The Department said the ATF makes “every effort to interdict weapons that have been purchased illegally and prevent their transportation into Mexico.”

However, as I explained in my initial letter to Acting Director Melson, the allegations I received are supported by documentation. It is already public record that federal agents arrested Jaime Avila on December 15, 2010—the very same day that CBP Agent Terry died. The ATF had been tracking Avila’s firearms purchases because Avila was a suspected trafficker since at least November 2009.<sup>1</sup> According to the whistleblowers, at least one gun dealer wanted to stop participating in sales like those to Avila sometime around October 2009. However, the ATF allegedly encouraged the dealer to continue selling to suspected traffickers and asked the dealer to forward information about the sales to the Bureau.

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<sup>1</sup> Bureau of Alcohol, Tobacco, and Firearms, “Multiple Sale Summary,” Nov 25, 2009 (Attachment 1).

The dealer who sold the weapons allegedly recovered at the scene of Agent Terry's death met with both ATF representatives and Assistant U.S. Attorneys as early as December 17, 2009 to "discuss his role as [a Federal Firearms Licensee] FFL during this investigation."<sup>2</sup> On January 9, 2010, Jaime Avila bought three more firearms at the same Glendale, Arizona gun dealer and his purchase was entered into an ATF database two days later.<sup>3</sup> By January 13, ATF added Avila to a suspect person database for the investigation.<sup>4</sup> On January 14, ATF entered the firearms Avila purchased five days earlier into the National Tracing Center's Suspect Gun Database.<sup>5</sup>

On January 16, 2010, Avila bought three AK-47 variant, Romanian WASR-10 assault rifles from the same dealer with the serial numbers 1983AH3977, 1979IS1530, and 1971CZ3775.<sup>6</sup> ATF entered these weapons into the National Tracing Center's Suspect Gun Database three days later.<sup>7</sup> Over the next several months, ATF continued to track Avila's multiple firearms purchases in near real-time, including two purchases of .50 caliber rifles in June 2010.<sup>8</sup>

After the shooting of CBP Agent Terry, law enforcement officials recovered from the scene two assault rifles.<sup>9</sup> On December 16, 2010, ATF's trace results confirmed that serial numbers 1983AH3977 and 1971CZ3755 match two of the three rifles purchased by Avila and tracked by the ATF nearly a year earlier.<sup>10</sup> In addition to these specific weapons, the indictment of Avila and others references approximately 769 firearms. Of those, the indictment refers to the recovery of only about 103 weapons. So, where are the other approximately 666 weapons referenced in the indictment? Why did the ATF not seize them?

The Justice Department's reply asked that Committee staff stop speaking to law enforcement personnel about these matters. However, if not for the bravery and patriotism of law enforcement personnel who were willing to put their careers on the line, this Committee would have been forced to rely on nothing more than rumors in the blogosphere and a Justice Department denial to resolve these allegations. We need more than that. To be an effective check on Executive Branch power, we need cold, hard facts. We will seek them from whatever source is necessary.

Unfortunately, the Justice Department's letter suggested that my attempts to seek information about these matters might be politically motivated. I understand the Department needs to "protect ... law enforcement personnel ... from inappropriate

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<sup>2</sup> Bureau of Alcohol, Tobacco, and Firearms, "Management Log for Case: 785115-10-[redacted]," Dec 17, 2009 (Attachment 2).

<sup>3</sup> Bureau of Alcohol, Tobacco, and Firearms, "Multiple Sale Summary," Jan 11, 2010 (Attachment 3).

<sup>4</sup> E-mail from ATF Program Analyst to ATF Agents, Jan 13, 2010 (Attachment 4).

<sup>5</sup> Bureau of Alcohol, Tobacco, and Firearms, "Suspect Gun Summary," Jan 14, 2010 (Attachment 5).

<sup>6</sup> Bureau of Alcohol, Tobacco, and Firearms, "Suspect Gun Summary," Jan 19, 2010 (Attachment 6).

<sup>7</sup> *Id.*

<sup>8</sup> Bureau of Alcohol, Tobacco, and Firearms, "Suspect Gun Summary," Jun 8 and Jun 16, 2010 (Attachment 7).

<sup>9</sup> Bureau of Alcohol, Tobacco, and Firearms, "Significant Information Report," Dec 16, 2010 (Attachment 8).

<sup>10</sup> Bureau of Alcohol, Tobacco, and Firearms, "Firearms Trace Summaries," Dec 16, 2010 (Attachment 9).

political influence.”<sup>11</sup> However, there is a difference between inappropriate political influence and appropriately holding officials accountable to the American people. I try to conduct non-partisan oversight of the Executive Branch. Regardless of which party controls the White House or the Congress, I do my best to ask tough questions. If you have any evidence that there is anything “inappropriate” about my motives in this matter, please let me know. Otherwise, I respectfully request that the Department avoid such implications in the future.

Finally, I want to share with you a portion of an e-mail from Carolyn Terry, Agent Terry’s stepmother. She wrote yesterday:

It’s hard to accept that our son was shot and murdered with a gun that was bought in the U.S. We have not had any contact from the Border Patrol or any other agents since returning home on the 22nd of [January]. Our calls are not returned. I truly feel that our son’s death is a cover-up and they hope that we will go away. That will not happen. We want to know who allowed the sale of that gun that murdered our son. Any help will [be] appreciated. We are the victims of this case and we want some answers.<sup>12</sup>

The Terry family deserves answers. The whistleblowers have expressed a desire to honor Agent Terry’s memory by disclosing this information. The Justice Department should work to do the same. The best way to honor his memory is to come clean.

Sincerely,



Charles E. Grassley  
Ranking Member

cc: The Honorable Patrick Leahy  
Chairman  
United States Senate Committee on the Judiciary

The Honorable Robert S. Mueller, III  
Director  
Federal Bureau of Investigation

Kenneth E. Melson  
Acting Director  
Bureau of Alcohol, Tobacco, Firearms, and Explosives

The Honorable Alan D. Bersin  
Commissioner  
United States Customs and Border Protection

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<sup>11</sup> Letter from the Justice Department to Senator Charles E. Grassley, Jan 31, 2011.

<sup>12</sup> E-mail from Carolyn Terry, Feb 8, 2011.

# ATTACHMENT 1

DEPARTMENT OF JUSTICE  
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES



NATIONAL TRACING CENTER

Phone: (800) [REDACTED] Fax: (800) [REDACTED]

**MULTIPLE SALE SUMMARY**

Multiple Sale Number: M20090200525

Entered Date: November 25, 2009

Field Division: PHOENIX

**DEALER INFORMATION**

Business Name:  
Licensee Name: LONE WOLF TRADING COMPANY  
LLC  
Address: 5140 W PEORIA AVE STE 110  
GLENDALE, AZ 85302  
Phone: (623) [REDACTED] Ext:  
FFL Number: 98602353

**PURCHASER INFORMATION**

Purchase Date: 11/24/2009  
Name: JAIME NMN AVILA JR  
Address: [REDACTED]  
PHOENIX, AZ 85035  
DOB: [REDACTED] Race: HISPANI Sex: Male  
C  
POB: LOS ANGELES, CA UNITED STATES  
ID 1: AR DRIVER'S LICENSE [REDACTED]  
ID 2: # [REDACTED]

Purchaser may be associated with other trace(s)/multiple sale(s).

**Weapon Summary**

Manufacturer	Model	Caliber	Serial Number	Type	Importer	Origin
F.N. (FN HERSTAL)	FIVE-SEVEN	57	386193549	PISTOL		BG
F.N. (FN HERSTAL)	FIVE-SEVEN	57	386193544	PISTOL		BG
F.N. (FN HERSTAL)	FIVE-SEVEN	57	386193545	PISTOL		BG
F.N. (FN HERSTAL)	FIVE-SEVEN	57	386193542	PISTOL		BG
F.N. (FN HERSTAL)	FIVE-SEVEN	57	386193543	PISTOL		BG

Unclassified Controlled Information

# ATTACHMENT 2

Management Log for Case: 785115-10

Case Title

Date: 01/04/2010

User:

Log Date	Log Type	Mgmt Log Text
12/14/2009	INTER AGENCY CONTACT	[REDACTED]
12/15/2009	INVESTIGATIVE ACTIVITY	[REDACTED]
12/15/2009	ADMINISTRATIVE ACTIVITY	[REDACTED]
12/15/2009	MEETING/CONTACT (SE)	[REDACTED]
12/16/2009	INVESTIGATIVE ACTIVITY	[REDACTED]
12/16/2009	INVESTIGATIVE ACTIVITY	[REDACTED]
12/16/2009	INVESTIGATIVE ACTIVITY	[REDACTED]
12/17/2009	STATE/LOCAL OVERTIVE	[REDACTED]
12/17/2009	AUSA/DA CONTACT	[REDACTED]
12/17/2009	INTER AGENCY CONTACT	[REDACTED]
12/17/2009	INTER AGENCY CONTACT	[REDACTED]
12/21/2009	INVESTIGATIVE ACTIVITY	[REDACTED]
12/23/2009	INTER AGENCY CONTACT	[REDACTED]
12/23/2009	INTER AGENCY CONTACT	[REDACTED]
12/24/2009	AUSA/DA CONTACT	[REDACTED]
12/24/2009	FIELD SUPPORT - GENE	[REDACTED]
12/24/2009	FIELD SUPPORT - GENE	[REDACTED]
12/24/2009	INTER AGENCY CONTACT	[REDACTED]
12/29/2009	INVESTIGATIVE ACTIVITY	[REDACTED]

# ATTACHMENT 3



DEPARTMENT OF JUSTICE  
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES  
NATIONAL TRACING CENTER



Phone: (800) [REDACTED] Fax: (800) [REDACTED]

Print Date: [REDACTED]

**MULTIPLE SALE SUMMARY**

Multiple Sale Number: M20100004614 Entered Date: January 11, 2010 Field Division: PHOENIX

**DEALER INFORMATION**

Business Name:  
Licensee Name: LONE WOLF TRADING COMPANY  
LLC  
Address: 5140 W PEORIA AVE STE 110  
GLENDALE, AZ 85302  
Phone: (623) [REDACTED] Ext:  
FFL Number: 98602353

**PURCHASER INFORMATION**

Purchase Date: 01/09/2010  
Name: JAIME NMN AVILA JR  
Address: [REDACTED]  
PHOENIX, AZ 85035  
DOB: [REDACTED] Race: HISPANI Sex: Male  
C  
POB: LOS ANGELES, CA UNITED STATES  
ID 1: AZ DRIVER'S LICENSE #: [REDACTED]  
ID 2: # [REDACTED]

Purchaser may be associated with other trace(s)/multiple sale(s).

**Weapon Summary**

Manufacturer	Model	Caliber	Serial Number	Type	Importer	Origin
F.N. (FN HERSTAL)	FIVE-SEVEN	57	386203502	PISTOL		BG
F.N. (FN HERSTAL)	FIVE-SEVEN	57	386203509	PISTOL		BG
F.N. (FN HERSTAL)	FIVE-SEVEN	57	386206115	PISTOL		BG

Unclassified Information

# ATTACHMENT 4

From: [REDACTED]  
 Sent: Wednesday, January 13, 2010 10:39 AM  
 To: [REDACTED]  
 Cc: [REDACTED]  
 Subject: Suspect Person Entries - IN# 785115-10-[REDACTED] (VCAB# [REDACTED])  
 Attachments: Suspect Person Entries - IN# 785115-10-[REDACTED] (VCAB# [REDACTED]).pdf; FTS Queries - IN# 785115-10-[REDACTED] (VCAB# [REDACTED]).pdf; OSII-Survey Form (3) (2).pdf; FIREARMSDATARESTRICTIONS - FY09.pdf

Dear [REDACTED],

Per your request, 42 subjects have been added to the Suspect Person Database for IN# 785115-10-[REDACTED]. Attached are PDF files based on queries executed in the Firearms Tracing System (FTS), and a Suspect Person Information Report revealing the information currently entered into the Suspect Person Database for this investigation. Please see below for a summary of the information found within the FTS.

By entering these subjects into the Suspect Person Database, queries of the FTS will be conducted on a monthly basis and any new associations will be forwarded to you. If you should have any questions or need assistance, please feel free to contact me at the number below.

When information is provided by e-mail, a copy is also provided to the Intelligence Group Supervisor and designated FIST (Field Intelligence Support Team) member.

Last Name	First Name	Middle Name	DOB	Traces	Multiple Sale Reports	# of Firearms in M/S	Suspect Gun Reports	# of Suspect Guns
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	3	1	0	0	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	0	0	0	0	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	4	1	0	0	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	0	1	0	0	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	3	2	20	2	20
Avila	Jame	[REDACTED]	[REDACTED]	0	2	8	2	10
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	0	0	0	0	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	5	1	0	0	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	5	2	8	2	8
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	5	0	0	0	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	0	1	0	0	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	0	0	0	0	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	4	0	0	1	15
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	0	0	0	1	1
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	0	0	0	0	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	0	0	0	9	68
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	0	0	0	0	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	4	0	0	1	3
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	0	0	0	2	13
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	6	0	0	1	4
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	0	0	0	0	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	1	0	0	4	36
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	18	1	3	0	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	0	1	10	2	20




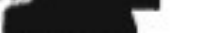
1	0		1	1
0	0		0	0
0	0		0	0
0	0		0	0
1	0		1	0
5	0		12	109
0	0		0	9
15	14	60	20	133
1	0		2	5
2	0		1	1
0	0	0	0	0
1	0		0	0
	5	53	11	238
	0			9
	0			0
7	0		4	25
0	0		2	16

Please be advised that the Consolidated Appropriations Act of 2009, Public L. 111-8, which became effective on March 12, 2009, restricts the disclosure of any part of the contents of the Firearms Tracing System or any information required to be kept by Federal Firearms Licensees pursuant to 18 USC 923(g), or required to be reported pursuant to 18 USC 923(g)(3) and 923(g)(7).

The information, which is being provided per your request, is for official law enforcement use only and may only be disseminated by the Bureau of Alcohol, Tobacco, Firearms and Explosives to a Federal, State, local, tribal, or foreign law enforcement agency, or a Federal, State, or local prosecutor, solely in connection with and for use in a criminal investigation or prosecution; or a Federal agency for a national security or intelligence purpose. This disclosure restriction shall not be construed to prevent the sharing or exchange of such information among and between Federal, State, local, or foreign law enforcement agencies, Federal, State, or local prosecutors, and Federal national security, intelligence, or counterterrorism officials; or the publication of statistical aggregate data regarding firearms traffickers and trafficking channels, firearms misuse, felons, and trafficking investigations. If you have questions regarding these restrictions please contact ATF legal counsel prior to disclosing any of the information provided in this correspondence outside of ATF.

Please complete the attached OSII Customer Satisfaction Survey form. Click on the "Mail" box located at the bottom of the form and then click on "Send".

Sincerely,

  
 Program Analyst  
 Bureau of Alcohol, Tobacco, Firearms and Explosives  
 Office of Strategic Intelligence and Information  
 Violent Crime Intelligence Division  
 Violent Crime Analysis Branch  
 Main Office #: (304)   
 Direct #: (304)   
 Fax #: (304) 

# ATTACHMENT 5

DEPARTMENT OF JUSTICE  
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES  
NATIONAL TRACING CENTER



Phone: (800) [REDACTED] Fax: (800) [REDACTED]

Print Date: [REDACTED]

**SUSPECT GUN SUMMARY**

Suspect Gun Number: S20100000059 Entered Date: January 14, 2010

[REDACTED]  
PHOENIX PD GROUP VII  
201 E WASHINGTON ST STE 940  
PHOENIX, AZ 85004

Badge No:

Investigation No: 785115-10 [REDACTED]

**DEALER INFORMATION**

Business Name:  
Licensee Name: LONE WOLF TRADING COMPANY  
LLC  
Address: 5140 W PEORIA AVE STE 110  
GLENDALE, AZ 85302  
Phone: (623) [REDACTED] Ext:  
FFL Number: 98602353  
Invoice #:

**INDIVIDUAL INFORMATION**

Name: JAIME NIMAYRA  
Address: [REDACTED]  
PEORIA, AZ 85305  
DOB: [REDACTED] Race: HISPANIC Sex: Male  
Height: [REDACTED] Weight: [REDACTED] Date: 01/09/2010  
ID # AZ DRIVER'S LICENSE #: [REDACTED]  
ID # [REDACTED]

**NOTICE**

The firearm(s) listed below was entered into the Firearms Tracing System as a suspect gun. You have requested NTC maintain a lookout for the firearm(s). If any of the suspect guns in this report are traced by another agency and/or individual, your Division's Firearms Trafficking Coordinator (FTC) will be notified in writing by the NTC. The notification will include the identity of the officer and/or agency requesting the trace. It will be incumbent upon the FTC or yourself to contact the firearms trace requestor. The NTC will not release any information concerning your suspect gun(s).

**Weapon Summary**

Weapon Count: 3

Manufacturer	Model	Caliber	Serial Number	Type	Importer
F.N. (FN HERSTAL)	FIVE-SEVEN	57	386203502	PISTOL	FNH USA LLC, FREDERICKSBURG VA
F.N. (FN HERSTAL)	FIVE-SEVEN	57	386203509	PISTOL	FNH USA LLC, FREDERICKSBURG VA
F.N. (FN HERSTAL)	FIVE-SEVEN	57	386206115	PISTOL	FNH USA LLC, FREDERICKSBURG VA

# ATTACHMENT 6

# ATTACHMENT 7



DEPARTMENT OF JUSTICE  
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES  
NATIONAL TRACING CENTER



Phone: (800) [REDACTED] Fax: (800) [REDACTED]

Print Date: [REDACTED]

**SUSPECT GUN SUMMARY**

Suspect Gun Number: S2010000905 Entered Date: June 08, 2010

[REDACTED]  
PHOENIX PD GROUP VII  
201 E WASHINGTON ST STE 940  
PHOENIX, AZ 85004

Badge No:  
Investigation No: 785115-10 [REDACTED]

**DEALER INFORMATION**

Business Name: SCOTTSDALE GUN CLUB  
Licensee Name: SGC, LLC  
Address: [REDACTED]  
SCOTTSDALE, AZ 85260  
Phone: (480) [REDACTED] Ext:  
FFL Number: 98601053  
Invoice #:

**INDIVIDUAL INFORMATION**

Name: JANE AVILA  
Address: [REDACTED]  
PHOENIX, AZ 85035  
DOB: [REDACTED] Race: HISPANIC Sex: Male  
Height: [REDACTED] Weight: [REDACTED] Date: 06/04/2010  
ID #: AZ DRIVER'S LICENSE # [REDACTED]  
ID #: [REDACTED]

**NOTICE**

The firearm(s) listed below was entered into the Firearms Tracing System as a suspect gun. You have requested NTC maintain a lookout for the firearm(s). If any of the suspect guns in this report are traced by another agency and/or individual, your Division's Firearms Tracing Coordinator (FTC) will be notified in writing by the NTC. The notification will include the identity of the officer and/or agency requesting the trace. It will be incumbent upon the FTC or yourself to contact the firearms trace requestor. The NTC will not release any information concerning your suspect gun(s).

**Weapon Summary**

Weapon Count: 1

Manufacturer	Model	Caliber	Serial Number	Type	Importer
BARRETT FIREARMS MFG CO	[REDACTED]	50 BMO	14775	RIFLE	

DEPARTMENT OF JUSTICE  
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES  
NATIONAL TRACING CENTER



Phone: (800) [REDACTED] Fax: (800) [REDACTED]

Print Date: [REDACTED]

**SUSPECT GUN SUMMARY**

Suspect Gun Number: S20100000978 Entered Date: June 16, 2010

[REDACTED]  
PHOENIX PD GROUP VII  
201 E WASHINGTON ST STE 940  
PHOENIX, AZ 85004

Badge No:

Investigation No: 785115-10 [REDACTED]

**DEALER INFORMATION**

Business Name: SCOTTSDALE GUN CLUB  
Licensee Name: SGC, LLC  
Address: 14860 N NORTHSIGHT BLVD  
SCOTTSDALE, AZ 85260  
Phone: (480) [REDACTED] Ext: [REDACTED]  
FFL Number: 98604053  
Invoice #:

**INDIVIDUAL INFORMATION**

Name: JAMES AVILA JR  
Address: [REDACTED]  
SCOTTSDALE, AZ 85263  
DOB: [REDACTED] Race: HISPANIC Sex: Male  
Height: [REDACTED] Weight: [REDACTED] Date: 06/15/2010  
ID: AZ DRIVER'S LICENSE # [REDACTED]  
[REDACTED]

**NOTICE**

The firearm(s) listed below was entered into the Firearms Tracing System as a suspect gun. You have requested NTC maintain a lookout for the firearm(s). If any of the suspect guns in this report are traced by another agency and/or individual, your Division's Firearms Trafficking Coordinator (FTC) will be notified in writing by the NTC. The notification will include the identity of the officer and/or agency requesting the trace. It will be incumbent upon the FTC or yourself to contact the firearms trace requestor. The NTC will not release any information concerning your suspect gun(s).

**Weapon Summary**

Weapon Count: 1

Manufacturer	Model	Caliber	Serial Number	Type	Importer
BARRETT FIREARMS MFG CO		50 BMG	14753	RIFLE	

# ATTACHMENT 8

DATE: 12/16/2010

FROM: Phoenix Field Division

FIELD OFFICE: Phoenix VII Field Office

CASE INFORMATION

CASE NUMBER: 783115-10- [REDACTED]

CASE TITLE: [REDACTED]

SPECIAL AGENT:

Voth, David

TELEPHONE NUMBER:

(602) [REDACTED]

SYNOPSIS OF INCIDENT/ACTIVITY

Arrest of Jaime AVILA.

NARRATIVE OF INCIDENT/ACTIVITY

On January 16, 2010, Jaime AVILA purchased three (3) AK-47 variant rifles from a Phoenix area FFL. On December 15, 2010, after the shooting death of a U.S. Border Patrol agent in Southern Arizona law enforcement officers/agents conducted a search of the area. Two (2) of the AK-47 variant rifles purchased by AVILA on 01/16/2010 were recovered in the area during this search.

On December 15, 2010, ATF agents located AVILA and subsequently interviewed and arrested him on charges stemming from this January 16, 2010, firearm purchase. In summary AVILA admitted to ATF agents that he straw-purchased these firearms for an unidentified Hispanic male.

AVILA was held overnight and ATF agents have prepared a criminal complaint for Jaime AVILA on firearm charges relating to the straw purchase of three (3) AK-47 variant rifles on 01/16/2010 and are presenting it to a Federal Magistrate today (12/16/10).

# ATTACHMENT 9

DEPARTMENT OF JUSTICE  
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES  
NATIONAL TRACING CENTER



Phone: (800) [REDACTED] Fax: (800) [REDACTED]

Print Date: [REDACTED]

**FIREARMS TRACE SUMMARY**

Trace Number: T20100289614 Request Date: December 15, 2010 Completion Date: December 16, 2010

[REDACTED]  
INTEL GROUP IV PHOENIX  
201 EAST WASHINGTON ST STE 940  
PHOENIX, AZ 85004  
PHONE: (602) [REDACTED] Ext:  
FAX (602) [REDACTED]

Badge No:  
Investigation No: 785070-10-[REDACTED]

**FIREARM INFORMATION**

Manufacturer: ROMARM/CUGIR  
Model: GP WASR 10/63  
Caliber: 762  
Serial Number: 1971CZ3775  
Type: RIFLE  
Country: ROMANIA  
Importer: CENTURY ARMS INC (CAI),  
ST  
Obtained:  
Identifying Marks:  
NIBIN:  
Gross Name:

**RECOVERY INFORMATION**

Recovery Date: 12/15/2010  
Time to Crime:

RJ0208, AZ 85648  
Passport:  
DOB:  
POB:

**ADMINISTRATIVE INFORMATION**

**SUMMARY OF RESULTS**

THE NATIONAL TRACING CENTER (NTC) HAS EXPERIENCED A DELAY IN OBTAINING THE INFORMATION ON THE HISTORY OF THE FIREARM YOU ARE REQUESTING TO BE TRACED.

Additional Remarks:

The information in this report must be validated prior to use in any criminal proceedings.

DEPARTMENT OF JUSTICE  
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES



NATIONAL TRACING CENTER

Phone: (800) [REDACTED] Fax: (800) [REDACTED]

Print Date: [REDACTED]

**FIREARMS TRACE SUMMARY**

Trace Number: T20100289612 Request Date: December 15, 2010 Completion Date: December 16, 2010

[REDACTED]  
INTEL GROUP IV PHOENIX  
301 EAST WASHINGTON ST STE 940  
PHOENIX, AZ 85004  
PHONE: (602) [REDACTED] Ext:  
FAX (602) [REDACTED]

Badge No:  
Investigation No: 785070-10 [REDACTED]

**FIREARM INFORMATION**

Manufacturer: ROMARM/CUGIR  
Model: GP WASR 10/63  
Caliber: 762  
Serial Number: 1981AH3977  
Type: RIFLE  
Country: ROMANIA  
Importer: CRIMSON ARMS INC (CAD)

Obtainer:  
Identifying Mark:  
NIBS:  
Gang Name:

**RECOVERY INFORMATION**

Recovery Date: 12/15/2010  
Time to Crime:

RIORNO, AZ 85648  
Possessor:  
DOB:  
POB:

**ADMINISTRATIVE INFORMATION**

**SUMMARY OF RESULTS**

THE NATIONAL TRACING CENTER (NTC) HAS EXPERIENCED A DELAY IN OBTAINING THE INFORMATION ON THE HISTORY OF THE FIREARM YOU ARE REQUESTING TO BE TRACED.

Additional Remarks:

The information in this report must be validated prior to use in any criminal proceedings.