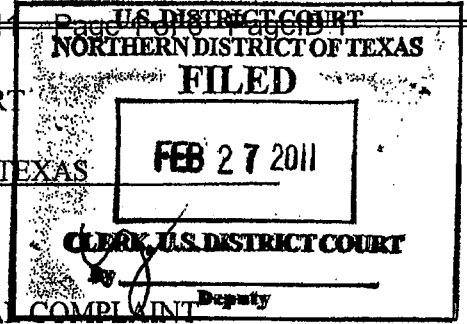


~~Case 3:11-mj-00067-BH (Sealed) Document 1 Filed 02/27/11~~



UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

RANFERI OSORIO (01)
OTILIO OSORIO (02)

CASE NUMBER: 3:11-MJ- 67

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 November 9, 2010, in Dallas County, in the Northern District of Texas, the defendant(s) did,

possess firearms which had the manufacturers' serial numbers obliterated, and these firearms had at any time been shipped or transported in interstate or foreign commerce, in violation of Title 18 United States Code, Section(s) 922(k)

I further state that I am a Special Agent of the Alcohol, Tobacco and Firearms (ATF) hat this complaint is based on the following facts:

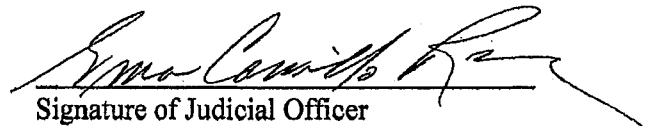
See attached Affidavit of _____ s incorporated and made a part hereof by reference.

Continued on the attached sheet and made a part hereof: Yes No

Signature of Complainant

Sworn to before me and subscribed in my presence, on this 27th day of February, 2011, at Dallas, Texas.

IRMA C. RAMIREZ
UNITED STATES MAGISTRATE JUDGE
Name & Title of Judicial Officer


Signature of Judicial Officer

**AFFIDAVIT OF
SPECIAL AGENT**

I, _____, being duly sworn, depose and state that:

Background of the Affiant

1. I am a Special Agent with the Bureau of Alcohol, Tobacco and Firearms (ATF), and have been employed since 1998. Prior to ATF, I was a Special Agent with the U.S. Border Patrol, Anti-Smuggling Unit. I was employed by the U.S. Border Patrol for over seven years assigned to investigate smuggling activities along the U.S./Mexico border. I am a graduate of the Federal Law Enforcement Training Center and the ATF National Academy; as a result of my training and experience as an ATF Special Agent, I am familiar with the following Federal criminal laws:

Chapter 44 of Title 18 – Sections 921 through 931 – are laws that pertain to firearms that affect commerce.

Title 18 United States Code, Section 922(k) prohibits any person to receive, possess, or transport firearms with obliterated serial numbers.

2. This affidavit is made in support of a complaint for arrest warrants for Otilio OSORIO, DOB: XX/XX/1988, and Ranferi OSORIO, DOB: XX/XX/1983 for violation of Title 18, United States Code, Section 922(k) – Possession of a firearm with an obliterated serial number. The facts set out in this affidavit are derived from my investigation of the OSORIO brothers from factual knowledge based on my participation in this investigation, including witness interviews by other ATF Agents, other law enforcement officers, communications with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience, and the training and experience of other ATF Agents with whom I have discussed this case.

3. On November 5, 2010, _____ was contacted by ATF agents from Laredo, TX requesting assistance. Laredo agents were contacted by the Drug Enforcement Administration (DEA) who asked if ATF could provide a Confidential Informant (CI) to transport guns from Dallas to Laredo for an organization that DEA was investigating.

4. On November 8, 2010, ATF and DEA agents traveled from Laredo to Dallas, TX and briefed _____ on the investigation DEA had on the organization. According to the agents in Laredo, DEA Dallas and DEA Laredo had an open investigation into the Zetas DTO who are actively trying to acquire firearms unlawfully in the United States for shipment into Mexico. The organization is also moving drug proceeds from Mexico to the United States for this very purpose.

5. On November 8, 2010, a Dallas ATF CI called a Dallas telephone number and arranged a meeting time and location with the person(s) who had the firearms that were to be transported. The CI was advised to be in the area of Interstate of 35 and Interstate 20 the following morning. The CI asked the suspects if the firearms would be wrapped and they (the suspects) advised that the firearms were in bags.

6. On November 9, 2010 _____ had the CI meet the suspects at Interstate 35 in Lancaster, TX so that federal agents could monitor the suspects dropping off the firearms to the CI for movement to Laredo and ultimately to Mexico. On this date, a red 1998 Ford Explorer, Texas License plate #BS4T770, registered to Ranferi OSORIO, 255 East Colonial, Lancaster, Texas, with two Hispanic male occupants arrived at the meeting location and met with the CI. A short time later, the two suspects unloaded several large bags containing firearms from the red Explorer into the CI's vehicle. The CI spoke with the suspects as the guns were being loaded and clearly established that the suspects knew the firearms were being trafficked to Mexico. Once the guns were loaded the suspects left the location.

7. The suspects were followed for a few hours and their residence was identified as 255 East Colonial, Lancaster, TX. The two suspects kept were kept under surveillance for a short time and later stopped by local police on a ruse and positively identified as Ranferi OSORIO, DOB: XX/XX/1983, and Otilio OSORIO, DOB: XX/XX/1988. A third passenger in the vehicle was identified as K.L.M. Black Male, DOB: XX/XX/1985. ATF and Laredo DEA agents followed the CI as he merged onto I-35 south toward Austin. A few miles after the CI got on the highway, he was stopped by the agents and boarded the CI vehicle. [redacted] opened the bags of guns and examined the firearms. [redacted] noted that the majority of the firearms had the serial numbers obliterated. The agents stayed with the vehicle and firearms until they reached Austin, Texas.

8. ATF and DEA agents kept the CI and firearms under surveillance until a vehicle stop was arranged in Laredo near the U.S./Mexico border. The CI's vehicle was searched and the following 40 firearms were seized:

- a. 12 - Romarm 7.62 pistols, Model Draco C (obliterated serial numbers) 18 7.62 rifles, various models (obliterated serial numbers)
- b. 6 - 223 rifles, various models (obliterated serial numbers)
- c. 3 - 9 mm rifles, Model 995, (obliterated serial numbers)
- d. 1 - .410 shotgun, Model Saiga-410, (obliterated serial numbers)

One of the firearms that had a serial number was traced to an identified Hispanic male from Dallas. This firearm was a Romarm Cugir, Model WASR 10/63 7.62, which had been purchased only 15 days prior to being seized by ATF. Furthermore, ATF determined that the seized firearms were manufactured outside the State of Texas and, therefore, to be present in Texas they had been shipped or transported in interstate or foreign commerce. Thus, these firearms affected commerce.

9. On February 15, 2011, Immigration and Customs Enforcement ("ICE") Special Agent Jaime Zapata was gunned down and killed in Mexico while traveling on official duty from Mexico City to Monterrey. Mexican officials recently seized three firearms that were used in the deadly assault. One of the firearms recovered is described as a

Romarm-Cugir, model Draco, 7.62 pistol, with an obliterated serial number. The firearm serial number has been restored and it reads: DC-2777-10.

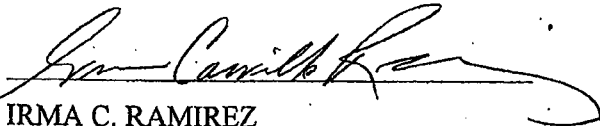
10. The firearm was traced by ATF to Otilio OSORIO, 255 East Colonial, Lancaster, Texas. This firearm was purchased on October 10, 2010, by OSORIO from Off Duty Enterprise, Inc, 305A 12th, Joshua, Texas. Ballistic testing conducted on this firearm indicated that it was one of the three firearms used during the deadly assault on ICE Special Agent Zapata's vehicle when he was killed in Mexico on February 15, 2011.
11. On February 24, 2011, Federal law enforcement agents conducted a knock and talk at 255 East Lancaster, Texas and spoke with the OSORIO brothers. The agents were allowed to enter and search the residence and several firearms were observed. Otilio and his brother Ranferi OSORIO both indicated that they were involved in manufacturing and modifying firearms. Otilio OSORIO advised that he specialized in Draco firearms, the same firearm model that was recovered in Mexico and has been connected to the fatal shooting. Both OSORIO brothers indicated that they were also involved in the sale of firearms. Agents conducting the search were not aware that the OSORIO brothers were suspected of having obliterated the serial numbers on the firearms that were recovered by ATF and DEA on November 9 in Laredo, Texas. A query of the ATF system indicated that neither Otilio or Ranferi OSORIO possess a Federal Firearms license to engage in the business of selling, manufacturing, importing or exporting firearms.

[NO FURTHER INFORMATION ON THIS PAGE]

Based on the contents of this affidavit, I believe that there is probable cause to believe that Ranferi OSOROIO and Otilio OSORIO violated Title 18 United States Code, Section 922(k) in that on November 9, 2010, they did knowingly possess firearms which had the manufacturers' serial numbers obliterated and that these firearms had at any time been shipped or transported in interstate or foreign commerce. Accordingly, I request that the court issue warrants for their arrests for violating this law.

Special Agent, ATF

SUBSCRIBED and SWORN to before me
this 27th day of February, 2011



IRMA C. RAMIREZ

UNITED STATES MAGISTRATE JUDGE

Northern District of Texas