

AO 91 (Rev. 11/11) Criminal Complaint

United States District Court  
Southern District of Texas  
FILED

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

DEC 5 2019

David J. Bradley, Clerk

United States of America

v.

JOSE CRUZ  
YOB: 1971 USC

Case No. M-19-2967-M

Defendant(s)

SEALED

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 November 5, 2019 in the county of Hidalgo in the Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

18 USC 922(b)(5);  
18 USC 924(a)(1)(D)

as an employee, acting on behalf of a federal firearms licensee (FFL), did willfully sell and deliver a firearm to an individual and did not record in the FFL's records required to be kept by law pursuant to Title 18 United States Code, Section 923, the name, age and place of residence of the individual to whom the firearm was sold or delivered

This criminal complaint is based on these facts:

See Attachment A

Continued on the attached sheet.

Approved AUSA Mike Mott  
12/4/19

Candace Garza  
Complainant's signature

Candace Garza, ATF Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: December 5, 2019  
8:17 a.m.

Peter Ormsby  
Judge's signature

City and state: McAllen, TX

Judge Peter E. Ormsby, U.S. Magistrate Judge

Printed name and title

**ATTACHMENT A**

On or about February 20, 2019, while being an employee and acting on behalf of a Federal Firearms Licensee (FFL), located in McAllen, Texas, Jose CRUZ indicated to agents with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) that he understood the requirements of the firearms laws and regulations as a federal firearms licensee.

On or about November 13, 2019, agents with ATF conducted a consensual interview of Jose CRUZ, while still employed with the same FFL, in furtherance of an investigation that CRUZ was falsifying ATF Form 4473s.

During the interview, CRUZ admitted to falsifying an ATF Form 4473 Firearms Transaction Record dated November 05, 2019, while employed and on behalf of the FFL. CRUZ stating that he added an additional firearm to the ATF Form 4473 when in fact the individual did not purchase or request the firearm. Specifically, CRUZ admitted to falsifying the ATF Form 4473 by adding a Century Arms, model VSKA, 7.62x39mm caliber rifle, serial number SV7004071 to the individual's ATF Form 4473 when in fact CRUZ knew the individual did not purchase or request the AK-47 type rifle.

CRUZ separately and willfully sold and delivered the aforementioned firearm to another individual. CRUZ did not record in the FFL's records that are required to be kept by law pursuant to Title 18, United States Code, Section 923, the name, age and place of residence of the individual to whom he willfully sold and delivered the firearm to, in violation of Title 18, United States Code, Section 922(b)(5) and 924(a)(1)(D).