

UNITED STATES DISTRICT COURT  
for the  
District of New Mexico

United States of America  
v.  
Martin MARTINEZ  
DOB: xx/xx/1990

Case No. 22-MJ-1011

Defendant(s)

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 See attached affidavit in the county of Bernalillo in the  
         District of New Mexico, the defendant(s) violated:

*Code Section*

*Offense Description*

Title 18 U.S.C 922(a)(6)

False statement as to material fact to FFL

This criminal complaint is based on these facts:

See the attached affidavit which has been approved by Supervisory Assistant United States Attorney Jack Burkhead

Continued on the attached sheet.

*Allison Garcia*  
*Complainant's signature*

Allison Garcia, Special Agent, ATF  
*Printed name and title*

Signed electronically and sworn telephonically

Date: 06/16/2022

*Laura Fashing*  
*Judge's signature*

City and state: Albuquerque, NM

Laura Fashing, United States Magistrate Judge  
*Printed name and title*

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Allison Garcia, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). Beginning in April of 2021, I attended the 26-week ATF academy in Glynco, Georgia that certified me as an ATF Special Agent.
2. Through the ATF, I attended the Criminal Investigator Training Program at the Federal Law Enforcement Training Center, as well as the Special Agent Basic Training Program at the ATF National Academy. During these programs, I received instruction in and practiced the investigation of violations of federal firearms, explosives, and arson statutes. My training and experience has involved, among other things: (1) the debriefing of witnesses and informants, as well as others who have knowledge of the purchase, possession, distribution, and transportation of firearms and of the laundering and concealment of proceeds of firearms; (2) surveillance; (3) analysis and processing of documentary, electronic, and physical evidence; (4) the legal and illegal purchase of firearms; (5) the execution of arrest and search warrants seeking firearms and narcotics; and (6) firearms trafficking.
3. I am an investigative, or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510(7), in that I am an officer of the United States who is empowered by law to conduct investigations and make arrests for the offenses enumerated in Titles 18, 21, and 26, United States Code.
4. I am familiar with the information contained in this Affidavit based upon the investigation that I have conducted, my conversations with other law enforcement officers or industry operations investigators who have engaged in various aspects of this investigation, and based upon my review of reports written by other law enforcement officers involved in this investigation. Because this Affidavit is being submitted for the limited purpose of securing an arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts that I believe are relevant to determination of probable cause to support the issuance of the requested warrant. When the statements of others are set forth in this Affidavit, they are set forth in substance and in part.
5. Based on my training and experience and the facts set forth in this Affidavit, there is probable cause to believe that MARTINEZ has committed a violation of Title 18, United States Code, Section 922(a)(6) – Knowingly Making False Statements in Connection with the Purchase of a Firearm.

**SUMMARY OF PROBABLE CAUSE**

6. On March 3, 2022, I received information concerning a firearm recovery from a previously convicted felon that was purchased by MARTINEZ on February 3, 2022. Subsequently, I learned

that another previously convicted felon was found to be in possession of a firearm that MARTINEZ purchased on March 16, 2022.

7. I reviewed ATF form 4473 for purchases made by Martin MARTINEZ dating from 2020-2022 at the following federal firearms licensees (FFLs): Hock it to me Pawn, Classic Jewelry and Loan, Sportsman's Warehouse, and BMC Tactical. A review of those forms revealed that MARTINEZ answered "yes" to question 21a that stated, "Are you the actual transferee/buyer of the firearm(s) listed on this form and any continuation sheet(s)?" The question also prefaces warning, "You are not the actual transferee/buyer if you are acquiring the firearm(s) on behalf of another person." MARTINEZ answered "no" to question 21e that asked, "Are you an unlawful user of or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance?"

#### **Recovery of Firearm from Anthony SANDOVAL**

8. I reviewed Albuquerque Police Department (APD) report (0011722) dated February 14, 2022, that documented details of an event that was listed as a robbery. APD Officer Barela witnessed an individual whose identity is known to me, and who I will refer to herein as M.M., jump from a moving 2002 Cadillac. Officers attempted to conduct a traffic stop and the vehicle eventually stopped, but the suspects fled. In an interview M.M. claimed that he had been battered by two men, Anthony SANDOVAL, and Brandon Lindsay. M.M. claimed that SANDOVAL threatened to shoot him. According to the report, three individuals identified as Amanda Robinson, Anthony SANDOVAL and Brandon Lindsay fled the vehicle being pursued by officers. SANDOVAL fled from police on foot and was observed by officers throwing a black handgun over a backyard fence west of Sierra PL NE in an alley. The driver of the vehicle was Amanda Robinson, and she was detained at the location where the handgun had been thrown. According to body camera footage, officers remained at the location of the firearm until forensics arrived. The firearm was identified as a Sig Sauer, model P365, 9mm caliber pistol, bearing serial number 66B415156. There were eleven (11) rounds of assorted 9mm ammunition collected from the chamber and magazine. In an interview, Robinson told police that SANDOVAL forced her to stay in the vehicle when she attempted to pull over. According to the report, Robinson knew SANDOVAL had a gun and she feared that SANDOVAL would harm her if she got out of the vehicle.
9. SANDOVAL was arrested after an officer overheard a radio call and observed a male walking eastbound on Phoenix Avenue NE and Graceland Drive in Albuquerque, New Mexico. Upon a search incident to arrest, officers located a holster in the front of his pants.
10. On February 22, 2022, a search was conducted (pursuant to a search warrant) of the 2002 Cadillac involved in the incident from February 14, 2022. A cell phone was collected from the front passenger door of the Cadillac. A Stoeger, model STR-9, 9mm caliber pistol, bearing serial number T6429-21U17459 was recovered from the rear cargo trunk along with fourteen (14) rounds of Blazer 9mm caliber ammunition. I noted that the firearm matching the above listed serial number was purchased by Martin MARTINEZ on February 3, 2022, confirmed by the ATF form 4473.

11. On June 8, 2022, I reviewed the evidence from the case. The firearm recovered from the backyard was a Sig Sauer, model P365, 9mm caliber pistol, bearing serial number 66B415156. The firearm recovered from the Cadillac was a Stoeger, model STR-9, 9x19 Parabellum caliber pistol, bearing serial number T6429-21U17459. There were also twenty-seven (27) rounds of assorted 9mm caliber ammunition.
12. I determined the abovementioned firearms functioned as designed.
13. It was determined by ATF Special Agent and Interstate Nexus Expert Lisa Gaul on June 9, 2022, that the abovementioned firearms and ammunition were not manufactured in the state of New Mexico, therefore affecting interstate commerce.
14. I conducted research and identified court documents that indicated SANDOVAL has been convicted on the felony crime of Sodomy in the Third Degree (17CR46446) out of the 11th Judicial District Court of Oregon. SANDOVAL had also been convicted of the felony crime of Attempted Unlawful Possession of Heroin (18CR12041) also out of the 11<sup>th</sup> Judicial District of Oregon.

#### **Review of Sportsman's Warehouse Video Footage**

15. On March 10, 2022, ATF Special Agent Brenton Hutson reviewed video surveillance footage from February 3, 2022, at Sportsman's Warehouse, a Federal Firearms Licensee (FFL) located at 1450 Renaissance Blvd NE, Albuquerque, New Mexico 87107.
16. SA Hutson referenced driver's license photos and accompanying identifiers for Martin MARTINEZ to compare to the footage. Likewise, booking slip identifiers were used to identify Anthony SANDOVAL in the footage. According to the report, an individual matching MARTINEZ's description walked into Sportsman's Warehouse. An individual matching the description of Anthony SANDOVAL entered the store followed by MARTINEZ a few seconds later. SA Hutson compared complexion, height, weight, build, race, sex, and facial hair to a booking photo of SANDOVAL from February 14, 2022, and the identifiers appeared to match.
17. MARTINEZ approached the gun counter and SANDOVAL also approached the gun counter and appeared to interact with MARTINEZ. They appeared to peruse the contents of the glass counter case in the gun sales section.
18. According to the report, MARTINEZ and SANDOVAL appeared to be pointing out items to each other. All interactions between MARTINEZ and SANDOVAL appeared to involve those dealing with items contained within the glass cases and appeared to be firearms.
19. A clip of SANDOVAL without sunglasses was observed. This perspective appeared to support identifiers and the booking slip photo that were used to make an initial identification of SANDOVAL.
20. A close-up clip of MARTINEZ pointing out something contained in the glass case to SANDOVAL further supports that SANDOVAL and MARTINEZ were interacting with each other and the objects contained in the glass case appeared to be firearms.

21. In another frame, the mouths of SANDOVAL and MARTINEZ were obscured, context of the video appeared to suggest that they were speaking to each other. MARTINEZ received a gun box along with a piece of paper that appeared to be a receipt; with the gun box in hand, MARTINEZ and SANDOVAL appeared to walk away together.

#### **Recovery of Firearm from Christopher FOX**

22. I reviewed APD report (0029298) which detailed events leading to Christopher FOX being arrested on the charges of Possession of Controlled Substance w/ Intent, Possession, Receipt or Transport of a Firearm or Destructive Device by a Felon, and Possession of Drug Paraphernalia on April 18, 2022.
23. According to the police report, APD Officer Neis responded to 924 Rio Grande Blvd NW Albuquerque, NM 87104 for a suspicious person in a vehicle. Christopher FOX was asleep in the vehicle and a firearm was spotted within arm's reach of FOX between the driver's seat and center console. During an initial pat down for weapons, officers found a holster on FOX and a magazine with 9mm ammunition in it. Officers placed FOX under arrest and read him his Miranda rights. With no provocation, FOX admitted to officers that he was a felon in possession of a firearm.
24. During the inventory of the vehicle, officers located another magazine with 9mm rounds loaded in the magazine.
25. On June 8, 2022, I viewed the evidence from the case. The firearm recovered from Chris FOX on April 18, 2022, was a CZ, model P-09, 9mm caliber pistol, bearing serial number F257310. There were also forty-one (41) rounds of assorted 9mm ammunition. The firearm recovered was previously purchased by Martin MARTINEZ on March 16, 2022, from BMC Tactical.
26. I determined the firearm functioned as designed.
27. It was determined by ATF Special Agent and Interstate Nexus Expert Lisa Gaul on June 9, 2022, that the abovementioned firearm and ammunition were not manufactured in the state of New Mexico, therefore affecting interstate commerce.
28. I determined that FOX had been convicted on the felony of Marijuana Possession W/Intent (D0352012CR000194) out of the 8<sup>th</sup> Judicial District of Colorado.

#### **Review of BMC Tactical Video Footage**

29. On March 16, 2022, MARTINEZ purchased two (2) firearms from BMC Tactical located at 2617 Coors Blvd SW, Albuquerque New Mexico 87121.
30. I observed MARTINEZ on video surveillance exit a vehicle and walk into BMC Tactical. I compared identifiers from MARTINEZ's driver's license photo to the footage and identifiers including but not limited to a round face, thin build, and similar eyebrow structure appeared to match the description of MARTINEZ. Christopher FOX entered the store minutes after MARTINEZ. I compared identifiers from FOX's driver's license photo to the video footage and identifiers including but not limited to height, weight, and build appeared to match the description of FOX.

31. I observed FOX and MARTINEZ in close proximity towards the back of the store, they appeared to be looking at the same merchandise. In one clip, FOX appeared to speak to MARTINEZ and then FOX pointed out something to MARTINEZ contained in the glass firearm case on the bottom rack in the back west corner of BMC Tactical. I observed MARTINEZ holding what appeared to be a black handgun. An individual who appeared to be the store employee spoke with MARTINEZ with a form in front of them. Your affiant notes that FFLs sometimes explain to potential customers how to fill out a form 4473 for firearm transactions. MARTINEZ filled out a form and FOX lingered closely behind MARTINEZ. A black box that appeared to contain a firearm was brought from the back of the store and the box was opened revealing a firearm contained inside. FOX was observed handling what appeared to be a pistol. MARTINEZ and FOX appeared to squat down and their mouths moving appeared to indicate they were having a conversation as they continued to point out firearms contained in the glass case. MARTINEZ appeared to talk on a cell phone as he was given a black box that appeared to contain the firearm. MARTINEZ exited BMC Tactical and got into a vehicle that FOX drove, and they left together.

#### **Interview of Martin MARTINEZ**

32. On April 20, 2022, TFO Mcpeek, SA Hutson and I interviewed MARTINEZ at his residence located at 9529 Snyder St SE Albuquerque, New Mexico 87123. MARTINEZ indicated that his residence was a good place to talk, and he indicated that he understood his rights per Miranda.
33. MARTINEZ confirmed with TFO Mcpeek that MARTINEZ had purchased firearms previously and when he purchased those firearms, he had completed paperwork. TFO Mcpeek asked MARTINEZ if he remembered purchasing a Stoeger Industries USA, model STR-9 9mm Luger caliber pistol, bearing serial number T6429-21U17459 firearm on February 3, 2022, from Sportsman's Warehouse. MARTINEZ indicated that he remembered the purchase. MARTINEZ indicated that he was the actual buyer of the firearm for which he also answered yes on the form to question 21a asking if he was the actual transferee/buyer of the firearm listed on the form 4473.
34. TFO Mcpeek confirmed that MARTINEZ knew SANDOVAL. MARTINEZ confirmed that a picture shown by TFO Mcpeek was Anthony SANDOVAL. TFO Mcpeek noted that MARTINEZ refers to SANDOVAL as "Tone" throughout the interview. TFO Mcpeek showed MARTINEZ a photograph of MARTINEZ in BMC from February 3, 2022, and he admitted that was him (MARTINEZ) at Sportsman's Warehouse on that day of February 3, 2022. MARTINEZ claimed that he would never go and buy a gun for somebody because it would "screw" him up from having guns, indicating that MARTINEZ knew it was illegal to buy firearms for another person and that the consequence would be his inability to purchase firearms in the future. MARTINEZ admitted to agents that he and SANDOVAL arrived at Sportsman's Warehouse together. MARTINEZ admitted that he purchased the firearm for SANDOVAL. MARTINEZ claimed that he was given \$450 dollars in cash for the firearm and the money was provided to him by SANDOVAL. MARTINEZ told TFO Mcpeek that he believed SANDOVAL was a felon and that was why SANDOVAL approached MARTINEZ to purchase the firearm for him. MARTINEZ claimed that SANDOVAL wanted a firearm for protection and that MARTINEZ knew the store would not sell a firearm to a felon. TFO Mcpeek re-visited question 21a on the form 4473 and MARTINEZ claimed he was not the actual transferee/buyer of the firearm listed on the form, indicating that MARTINEZ lied on the form.

35. It should be noted that the Stoeger firearm listed on the form was recovered on February 22, 2022, from previously convicted felon Anthony SANDOVAL according to a firearm recovery notification.
36. MARTINEZ admits that he purchased a brown 9mm firearm for his friend Chris FOX from BMC Tactical about two (2) to three (3) months prior. The firearm MARTINEZ was referring to is a CZ, model P09 9mm caliber pistol, bearing serial number F257310. MARTINEZ claimed that FOX approached him to purchase a firearm. MARTINEZ claimed that FOX believed he was unable to purchase a firearm because of a possible incident in Ohio, indicating that MARTINEZ knew he was providing a firearm to a prohibited person.
37. SA Hutson asked MARTINEZ if he lied on the form 4473 question 21a when he said he was the actual/transferee of the firearm listed on the form and MARTINEZ said, "I lied again, yes."
38. I asked if MARTINEZ went alone to purchase the firearm and MARTINEZ claimed he did. I immediately noted that his story was untruthful because he was seen on video surveillance footage with FOX. MARTINEZ admitted to agents that he went to BMC Tactical with FOX, and he identified FOX as the person in BMC Tactical with him as captured on video surveillance.
39. MARTINEZ claimed that he was not an unlawful user of or addicted to, Marijuana or any depressant, stimulant or other drug which correlates to question 21e on ATF form 4473. Agents showed MARTINEZ 4473 forms from March 16, 2022, at BMC Tactical for the purchase of firearm CZ, model P09 9mm caliber pistol, bearing serial number F257310. MARTINEZ told agents he was untruthful when answering question 21e indicating that he was addicted to illegal narcotics at the time of purchase and lied on the form.
40. MARTINEZ later claimed he had purchased multiple firearms and lost multiple firearms. TFO Mcpeek asked MARTINEZ if he remembered where the firearms he purchased were currently located. MARTINEZ claimed he could not remember locations of firearms because he was fighting an addiction. MARTINEZ claimed he was addicted to methamphetamine and heroin. MARTINEZ claimed that he had been using drugs since approximately 2010. MARTINEZ stated his methamphetamine and heroine usage progressed from once a week to every day and MARTINEZ claimed to spend \$200 dollars a day on heroin.
41. MARTINEZ admitted that he was purchasing the firearms for profit. MARTINEZ indicated that SANDOVAL had provided him with methamphetamine for purchasing the firearm.
42. Agents provided MARTINEZ another form 4473 from March 17, 2021, at FFL Hock it To Me Pawn located at 526 Louisiana Blvd SE, Albuquerque New Mexico 87108. The firearm purchased was a SCCY Industries, model CPX-2, 9mm caliber pistol, bearing serial number C078414. MARTINEZ admitted that he had been untruthful when he answered "no" he was not addicted to narcotics at the time of the purchase. This firearm was recovered from Carlos Rodriguez on July 13, 2021. MARTINEZ claimed he did not know the individual.
43. On February 3, 2022, for the purchase of the Stoeger, model STR-9 9mm Luger caliber pistol, bearing serial number T6429-21U17459 from Sportsman's Warehouse, MARTINEZ replied "yea that one I lied" to being the actual buyer of the firearm as well as being addicted to illegal narcotics when the purchase took place.

44. MARTINEZ indicated that on May 18, 2020, from Classic Jewelry & Loan located at 6301 Central Ave NE, Albuquerque, New Mexico 87198 he purchased a firearm Jimenez Arms, model J.A 9 9mm caliber pistol, bearing serial number 412043. MARTINEZ claimed that he did not remember the purchase of this specific firearm (see above comment about lost firearms due to addiction) however, he affirmed that the signature on the form was his. When TFO Mcpeek asked if it was fair to assume that all firearms he purchased were done so while he was addicted to illegal narcotics, MARTINEZ agreed that it was fair to say that MARTINEZ lied on question 21e when asked if he was addicted to illegal narcotics at the time of multiple firearm purchases.
45. TFO Mcpeek asked if it was fair to say that MARTINEZ was addicted to illegal narcotics for every firearm purchase dating back to purchases from 2011 until 30 days ago (from April 20, 2022) and MARTINEZ said "yeah."
46. During the interview, SA Hutson and I received consent to look at text messages on MARTINEZ's cellular telephone. MARTINEZ allowed me to take photographs of his screen. MARTINEZ pointed to the phone number 505-917-1183, and he claimed it was Chris FOX. MARTINEZ also pointed to contact Tone, (or Anthony SANDOVAL) with chats observed via Facebook Messenger.
47. MARTINEZ suggested to SANDOVAL that they purchase a firearm and MARTINEZ suggested a location to purchase a firearm at a Pawn Shop on Louisiana. SANDOVAL and MARTINEZ agreed to meet up at a pre-determined location which appeared to be SANDOVAL's apartment before going to purchase the firearm. SANDOVAL sent his location via text message to MARTINEZ. According to the time stamp of photographed text messages, they were sent on February 3, 2022. Video surveillance of MARTINEZ and SANDOVAL at Sportsman's Warehouse and an ATF form 4473 confirmed the purchase of a Stoeger, model STR-9, 9mm Luger Caliber pistol, bearing serial number T6429-21U17459 from Sportsman's Warehouse on the same day of February 3, 2022.
48. In photographed messages between what appeared to be SANDOVAL and MARTINEZ, MARTINEZ asked SANDOVAL for blues, I understand the term blues through my training and experience to be slang for fentanyl.
49. MARTINEZ pointed out messages with phone number 505- 917-1183 which he claimed were messages with Chris FOX. According to the time stamp of photographed messages, the date of the messages occurred on March 15, 2022. In photographed messages between what appeared to be FOX and MARTINEZ, MARTINEZ asked FOX if he could keep the fentanyl, approximately ten (10) pills and provide sixty (60) dollars to FOX the following day.
50. On March 16, 2022, according to the time stamp of photographed messages between FOX and MARTINEZ, MARTINEZ asked FOX to go gun shopping. Chris FOX claimed he was getting money for a "Highpoint" that night. Based on my knowledge and experience, a Hi-Point is a type of firearm. FOX told MARTINEZ that he needed a good gun for his house and that he (FOX) would compensate MARTINEZ for that firearm over the next month. Video surveillance of MARTINEZ and FOX at BMC Tactical and an ATF form 4473 confirmed the purchase of a CZ model P098, 9mm caliber pistol, bearing serial number F257310 on March 16, 2022.
51. MARTINEZ in photographed messages on the same day of March 16, 2022, reminded FOX that he owed MARTINEZ fentanyl for MARTINEZ putting in money for a firearm.

52. On March 27, 2022, MARTINEZ appeared to message FOX and claimed that their deal was for MARTINEZ to get a firearm for FOX and in return, FOX would provide fentanyl to MARTINEZ for an entire month and provide one hundred (100) dollars to MARTINEZ.
53. On the same day, MARTINEZ threatened to call the cops if FOX did not come up with money for the firearm. MARTINEZ claimed via text message that a felon with a gun looked nice and that MARTINEZ and FOX would both go to jail when the cops showed up, however FOX would be in jail longer for having weapons and selling drugs out of his (FOX's) house. MARTINEZ also claimed that when the cops ran the firearm in FOX's possession, it would come up as a stolen firearm.
54. In an interview with MARTINEZ, MARTINEZ claimed that FOX approached him to purchase the firearm for FOX because FOX had a previous incident in another state.

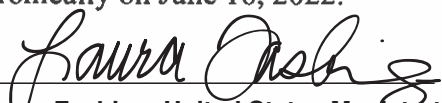
### CONCLUSION

55. In summary, MARTINEZ admitted to developing an agreement with FOX and SANDOVAL to purchase firearms for them. MARTINEZ also admitted to making false statements on ATF Form 4473 Firearms Transaction Records in association with his purchases of firearms for SANDOVAL and FOX. MARTINEZ admitted believing FOX and SANDOVAL were prohibited from possessing firearms and admitted to purchasing firearms despite being a drug user, and also to lying on ATF Form 4473 Firearms Transaction Records regarding his being a drug user. MARTINEZ and FOX were observed on video footage interacting while at BMC Tactical, where MARTINEZ ultimately purchased a firearm that was later recovered from FOX. Likewise, MARTINEZ and SANDOVAL were observed on video footage interacting while at Sportsman's Warehouse, where MARTINEZ ultimately purchased a firearm that was later recovered in association with an incident regarding SANDOVAL.
56. Based on the foregoing, I respectfully submit that probable cause exists to arrest Martin MARTINEZ, for a violation 18 U.S.C. §§ 922(a)(6) False statement as to material fact to FFL in connection with the purchase of a firearm.
57. This Affidavit was reviewed and approved by Supervisory Assistant United States Attorney Jack Burkhead and Assistant United States Attorney Jaymie L. Roybal.

Respectfully submitted,

  
\_\_\_\_\_  
Allison Garcia  
ATF Special Agent

Subscribed and sworn to telephonically and submitted electronically on June 16, 2022:

  
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Laura Fashing, United States Magistrate Judge