

AO 91 (Rev. 08/09) Criminal Complaint

FILED

JUN 02 2023

Mark C. McCartt, Clerk
U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT

for the

Northern District of Oklahoma

United States of America)

v.)

Case No. 23-mj-338 CDL

CESAR DAVID LOPEZ)

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 May 9, 2023 in the county of Tulsa in the Northern District of Oklahoma, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 933	Trafficking in Firearms
18 U.S.C. § 371	Conspiracy
18 U.S.C. § 922(a)(6)	False Statements Intended or Likely Deceive FFL Regarding Fact Material to the Lawfulness of the Sale

This criminal complaint is based on these facts:

See Attached Affidavit

Continued on the attached sheet.


Complainant's signature

SA Ben Nechiporenko, ATF
Printed name and title

Sworn to before me by phone.

Date: June 2, 2023


Judge's signature

City and state: Tulsa, OK

Christine D. Little, United States Magistrate Judge
Printed name and title

**Affidavit in Support of an Arrest Warrant
in the Northern District of Oklahoma**

I, Special Agent Ben Nechiporenko, being duly sworn under oath, do hereby depose and state:

INTRODUCTION AND AGENT BACKGROUND

1. I have been employed as a Special Agent in Tulsa, Oklahoma since 2022. I am currently assigned to the Dallas Field Division, Tulsa Field Office with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). As a result of my employment with ATF, my duties include, but are not limited to, the investigation and enforcement of illegal use, possession, and trafficking of firearms, criminal organizations and gangs, arson, and illegal use and possession of explosives.

2. Prior to my tenure as an ATF Special Agent, I was a sworn law enforcement officer employed with the West Fargo Police Department in North Dakota from October 2012 to January 2022. During my employment with the West Fargo Police Department, my primary assignments included: Patrol Officer with the Patrol Division, Detective for the Metro Street Crimes Unit with the Special Investigations Division, Task Force Officer and Team Leader with the U.S. Marshals Service Fugitive Task Force, and Patrol Sergeant with the Patrol Division. My training included over 1,250 hours of Police Officer Standards & Training (POST) approved training hours with an emphasis in gangs and narcotics enforcement. I served nine years with the Army National Guard as a Combat Engineer and received an Honorable Discharge at the

rank of Sergeant. I received a Bachelor of Science Degree in Criminal Justice from North Dakota State University in 2011.

3. As part of my duties as an ATF Special Agent, I investigate criminal violations in the Northern District of Oklahoma to include Title 18 U.S.C. §§ 933 – Trafficking in Firearms, Title 18 U.S.C. §§ 371 – Conspiracy, and Title 18 U.S.C. §§ 922(a)(6) – False Statements Intended or Likely Deceive FFL Regarding Fact Material to the Lawfulness of the Sale.

4. The facts and statements in this affidavit are based in part on information provided by other law enforcement officers and in part on my personal observations and training and experience as a Special Agent for the Bureau of Alcohol, Tobacco, Firearms, and Explosives. This Affidavit is for the limited purpose of establishing probable cause to support the Criminal Complaint, it contains only a summary of relevant facts. I have not included each and every fact known to me concerning the entities, individuals, and the events described in this Affidavit. The statements made in this Affidavit are based in part on: (a) my personal participation in this investigation; (b) information provided to me by other law enforcement officers; and (c) the training and experience of myself and other law enforcement agents and officers.

5. Between October 22, 2022 and April 28, 2023, Cesar David LOPEZ (DOB XX-XX-1995; SSN XXX-XX-0761) has violated Title 18 U.S.C. §§ 933 – Trafficking in Firearms, Title 18 U.S.C. §§ 371 – Conspiracy, and Title 18 U.S.C. §§ 922(a)(6) – False Statements Intended or Likely Deceive FFL Regarding Fact Material to the Lawfulness of the Sale in the Northern District of Oklahoma. The crimes occurred

in multiple areas including Tulsa, Oklahoma, which is within the Northern District of Oklahoma.

PROBABLE CAUSE

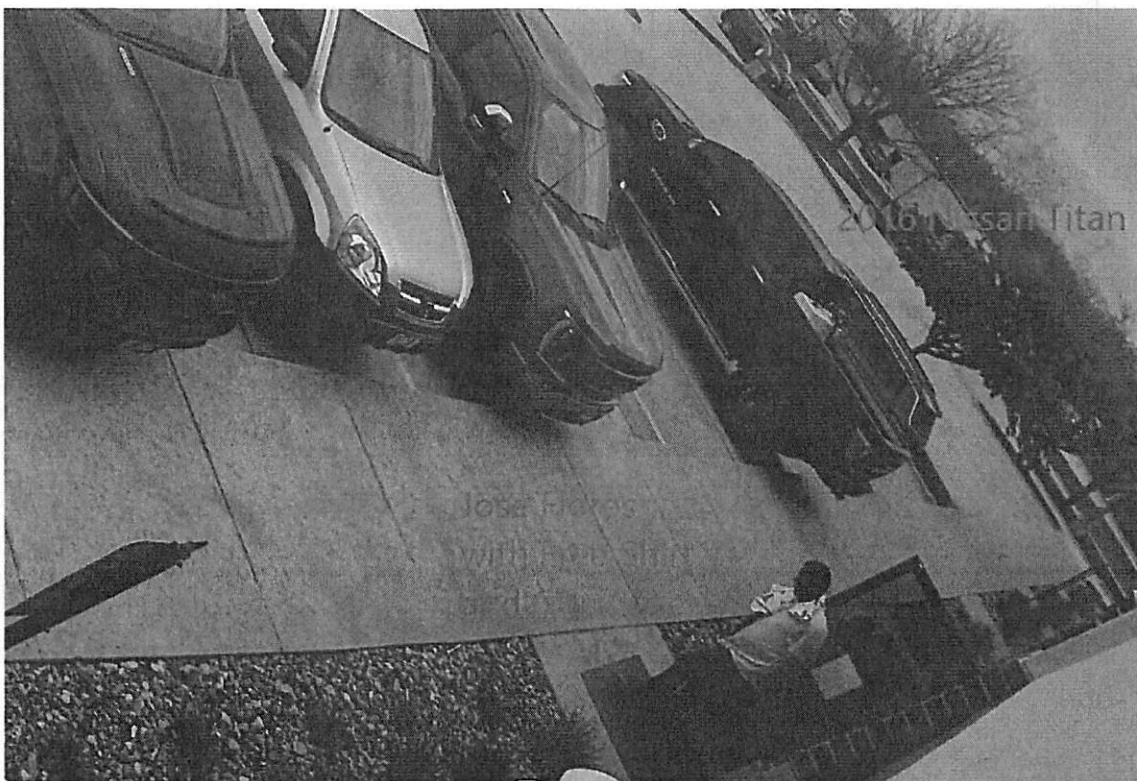
6. On December 1, 2022, Juan Antonio DURAN (DOB XX/XX/1995) telephonically contacted Birmingham Pistol Wholesale (Birmingham Pistol Wholesale), a Federal Firearms Licensee (FFL), at 6969 Gadsden Highway, Trussville, Alabama, inquiring about purchasing two (2) Barrett .50 caliber rifles with U.S Currency cash for approximately \$20,000. DURAN telephonically contacted Birmingham Pistol Wholesale from telephone number, 701-580-1252. ATF Special Agent (S/A) Brian Vessels was notified by the Birmingham Pistol Wholesale employee/manager that it was clear that DURAN was unfamiliar with the firearm, as he didn't know it came in either bolt action or semi, didn't specify a 20" or 29" inch barrel, he didn't ask/inquire about the color of the firearm, nor the warranty, magazines, a bi-pod or mono, or even a carrying case. DURAN notified the Birmingham Pistol Wholesale employee/manager that he was from North Dakota but resided in Oklahoma currently. S/A Vessels referred this information to the ATF Bismarck Satellite Office (North Dakota) for further investigation. Included in this referral from S/A Vessels was a note from the FFL Birmingham Pistol Wholesale, which was hand-written. This note stated that DURAN called inquiring about the Barrett .50 caliber rifles, provided DURAN's telephone number, and notated that DURAN was "100% Cartel."

7. An intelligence work-up was conducted by ATF Special Agents Vessels on DURAN, which also was provided to the ATF Bismarck Satellite Office (North Dakota) for further investigation. This intelligence work-up included DURAN's prior address history out of Tulsa, Oklahoma, and identified a possible current co-habitant L.M.G.

8. On December 5, 2022, Cesar David LOPEZ (DOB XX/XX/1995) purchased four (4) Barrett 82A1, .50 BMG caliber, semi-automatic rifles from Federal Firearm Licensee, Battle Hawk Armory, at 3060 Southeast Grimes Boulevard, Suite #600, Grimes, Iowa 50111. Copies of two (2) sales receipts were received for the purchases from Battle Hawk Armory. Both receipts include an address for LOPEZ of 1003 North Quaker Avenue, Tulsa, Oklahoma 74106. One (1) receipt was for a Barrett M82A1 with a total of \$9,856.84 in U.S Currency. The receipt indicated \$9,900 in U.S Currency was provided with \$43.16 being returned to LOPEZ. The second receipt was for three (3) Barrett M82A1's with a total of \$29,570.52. The receipt indicated \$29,600 cash was provided with \$29.48 being returned to LOPEZ. LOPEZ listed his address on the ATF Form 4473 as 1003 North Quaker Avenue, Tulsa, Oklahoma 74106. LOPEZ's Oklahoma Identification Card included an address of 1003 North Quaker Avenue, Tulsa, Oklahoma 74106. Open-Source databases including Accurint and TLO both indicate LOPEZ' current residence as 1003 North Quaker Avenue, Tulsa, Oklahoma 74106. According to Battle Hawk Armory, no video could be obtained from this date.

9. On December 7, 2022, LOPEZ purchased a Barrett M107A1, .50 BMG caliber, semi-automatic rifle from Battle Hawk Armory. The receipt included a price of \$13,369.65. The balance was paid with \$10,000 U.S. Currency, \$2,869.65 on a debit card ending in 1104, and \$500 on a credit card ending in 2427. An employee of Battle Hawk Armory stated they were certain DURAN was with LOPEZ during the purchases on December 5, 2022, and December 7, 2022. They arrived in a red minivan. LOPEZ listed his address on the ATF Form 4473 as 1003 North Quaker Avenue, Tulsa, Oklahoma 74106. According to Battle Hawk Armory, no video could be obtained from this date.

10. On April 28, 2023, LOPEZ and Jose Nicolas FLORES (DOB XX/XX/1992) arrived at Battle Hawk Armory in a black Nissan Titan which matched DURAN's 2016 Nissan Titan (Oklahoma License Plate "GYH615") including off-road style tires and wheels, running boards, an external fuel tank in the bed, and fender emblem indicating it was powered by a diesel engine. LOPEZ and FLORES exited the passenger side of the vehicle. The driver is not observed exiting the vehicle on the video from Battle Hawk Armory. LOPEZ purchased an additional three (3) Barret .50 BMG caliber semi-automatic rifles for \$35,843.91. LOPEZ paid with \$35,900 U.S. Currency cash. LOPEZ listed his address on the ATF Form 4473 as 1003 North Quaker Avenue, Tulsa, Oklahoma 74106. According to Battle Hawk Armory, LOPEZ and FLORES each received a free shirt due to them spending over \$2,000 in U.S. Currency.





11. On May 3, 2023, DURAN and FLORES entered High End Armament Technology Inc. at 4121 South 72nd East Avenue, Tulsa, Oklahoma. DURAN and FLORES did not look at any specific firearms and just walked around the storefront. They appeared to analyze the security cameras, the windows, and the front door. Their behavior made the owner, R.L. nervous, and R.L. took extra precautions by “locking” everything down when the store closed that evening. R.L. believed that they arrived in a black pickup truck. No video could be obtained on this date.

12. On May 5, 2023, DURAN and FLORES entered the High End Armament Technology. DURAN and FLORES attempted to purchase a Barrett M107A1 .50 BMG caliber semiautomatic rifle. R.L. stated that the rifle’s price was \$12,500 U.S.

Dollars. After entering the store, DURAN told R.L. that FLORES wanted to purchase “that gun” while pointing to a Barrett M107A1 .50 BMG caliber rifle. When R.L. stated the price of \$12,500, the males said “Okay” and didn’t ask any questions about the price. FLORES only had a passport for identification. R.L. told FLORES that he needed a different form of identification, such as a driver’s license, to complete the paperwork for the transaction. R.L. did not make a copy of the passport photo. R.L. further stated that FLORES appeared to only speak Spanish and DURAN spoke English. R.L. provided S/A Tobin-Trice photographs from the security camera video footage of DURAN and FLORES, and a gray 2017 Hyundai Tucson (OK License Plate - DRQ817) that they arrived in. The vehicle was registered to A.F.I. with an address of 2007 North Atlanta Place, Tulsa, Oklahoma.

13. On May 8, 2023, R.L. stated FLORES or DURAN had called High End Armament Technology and stated that he obtained an Oklahoma Identification Card and wanted to come to the storefront to purchase the .50 caliber rifle. R.L. told the male that the store was closed on Monday’s, and he could come in the following day when the store was open.

14. On May 8, 2023, DURAN and FLORES travelled to Trussville, Alabama in DURAN’s 2016 Nissan Titan. Information obtained from License Plate Reader databases indicated DURAN’s vehicle was in the city limits of Birmingham just after 7:00pm on May 8, 2023.

15. On May 9, 2023, the Birmingham Pistol Wholesale employee/manager notified ATF Special Agents in Birmingham, Alabama that DURAN and FLORES

traveled together interstate from Oklahoma to purchase three (3) Barrett, .50 caliber rifles in the state of Alabama. FLORES indicated they would pay for the firearms with cash. The price of the three firearms was approximately \$31,860.42. DURAN and FLORES both reported they were from Oklahoma and a license plate tag on DURAN's vehicle, a black 2016 Nissan Titan (Oklahoma License Plate "GYH615") showed it was registered to DURAN with an address of 1003 North Quaker Avenue, Tulsa, Oklahoma 74106. S/A Nechiporenko and S/A Tobin-Trice reviewed Battle Hawk Armory security camera video from April 28, 2023, and a photograph of DURAN inside Birmingham Pistol Wholesale on May 9, 2023. DURAN appeared to be wearing a unique shirt while inside Birmingham Pistol Wholesale on May 9, 2023. The shirt appeared to match the free shirt given to FLORES at Battle Hawk Armory on April 28, 2023. DURAN's North Dakota driver's license indicates he is 5' 02" and 125 pounds. FLORES' Oklahoma identification card indicates he is 5' 7" and 150 pounds. It is unlikely that FLORES and DURAN would wear the same size shirt.



(Juan DURAN – May 9, 2023)



(Shirt on Battlehawkarmory.com)

16. Agents responded to the store while FLORES and DURAN were still inside and conducted surveillance. Birmingham Pistol Wholesale employees notified agents that FLORES completed the required ATF Form 4473 (Firearm Transaction Record) which included checking the box indicated FLORES was the actual buyer of the firearms and signed it. It should be noted that DURAN oversaw FLORES complete the required paperwork, which is commonplace for firearm traffickers monitoring the straw purchase given the sum of money involved. At the request of ATF Agent's in Birmingham, the transaction was delayed pending the completion of

a background check. FLORES provided two telephone numbers to Birmingham Pistol Wholesale employees for a call back 726-213-0782 and 210-542-8209. It should be noted that the second telephone number was provided only after they were notified of the delay. This is important because the latter telephone number was then provided as the primary call back number. Later, law enforcement database queries revealed that both telephone number(s) area codes indicated being from San Antonio, Texas.

17. After having been informed of the delay, FLORES elected to purchase Birmingham Pistol Wholesale's entire inventory of Barrett .50 caliber rifle magazines. FLORES paid \$2,769 cash for fifteen (15) magazines. After this transaction was complete, DURAN and FLORES left the location, with no firearms having been transferred, in DURAN's vehicle. ATF Agents in Birmingham surveilled DURAN's vehicle from Birmingham Pistol Wholesale for about fifteen (15) miles west of the Birmingham city limits as it continued to travel Westbound on Interstate-22.

18. Later, ATF S/A Baker (Birmingham) was provided with information, given by other local law enforcement officers, that DURAN's vehicle was spotted entering the Memphis, Tennessee, area and again spotted leaving Memphis, Tennessee, a short time later. Based on this route of travel it was believed that both DURAN and FLORES were traveling back to Oklahoma.

19. On or about May 9, 2023, an ATF intelligence research specialist conducted recent border crossing checks on DURAN and FLORES. The results for DURAN showed that he re-entered the United States from Mexico in April of 2023.

20. On May 10, 2023, from approximately 6:15am to 8:00am, S/A Nechiporenko and S/A Tobin-Trice conducted surveillance at 1003 North Quaker Avenue, Tulsa, Oklahoma 74106. A 2017 Hyundai Tucson (Oklahoma DRQ817) registered to A.F.I. of the same address was parked on the property. S/A Nechiporenko observed a female who matched A.F.I.'s Oklahoma Driver's License photograph doing yardwork.

21. On May 10, 2023, at approximately 10:08am, S/A Peggy Tobin-Trice received a phone call from R.L. at High End Armament Technology, 4121 South 72nd East Avenue, Tulsa, Oklahoma 74145. R.L. stated FLORES and DURAN had returned to the store and were in the process of completing paperwork to purchase a firearm. S/A Tobin-Trice, S/A Juarez, and S/A Nechiporenko arrived at High End Armament Technology to conduct surveillance. The 2017 Hyundai Tucson (OK/DRQ817) was parked in front of the business.

22. FLORES and DURAN exited the store and entered the 2017 Hyundai Tucson. FLORES and DURAN left with DURAN driving and FLORES a passenger. Agents conducted mobile surveillance on the vehicle. The vehicle traveled northbound on Memorial Avenue then westbound on Interstate-244. The vehicle exited on Harvard Avenue in Tulsa, Oklahoma and mobile surveillance was discontinued. Approximately fifteen (15) minutes later, S/A Tobin Trice observed the vehicle parked at 1003 North Quaker Avenue, Tulsa, Oklahoma 74106. While conducting mobile surveillance, S/A Baker informed S/A Tobin-Trice that

Birmingham Pistol Wholesale called FLORES and DURAN to inform them the Barrett rifles could be purchased.

23. S/A Nechiporenko returned to High End Armament Technology and received a flash drive from Robert Lewis. The flash drive contained security camera video regarding the firearm purchase by FLORES and DURAN. Lewis also provided a copy of ATF Form 4473, a bill of sale, and copy of FLORES' Oklahoma Temporary Receipt Non-Driver Identification Card. The Oklahoma Temporary Receipt Non-Driver Identification Card indicated it was issued on May 8, 2023.

24. On May 10, 2023, ATF Birmingham Agents conducted on-going surveillance through the monitoring of License Plate Readers to establish direction of travel back to Alabama and an approximate arrival time. License Plate Readers showed hits in Arkansas and Tennessee in the afternoon. At around 11:45pm, DURAN's vehicle was in Jasper, Alabama, outside a Love's gas station at 83 Carl Cannon Blvd., Jasper, Alabama 35501. Soon thereafter, surveillance was discontinued for the night, but re-established in the morning of May 11, 2023.

25. On May 11, 2023, DURAN's vehicle was followed from the Jasper, Alabama area to the Trussville, Alabama area. DURAN's vehicle arrived at Birmingham Pistol Wholesale at approximately 9:20am. ATF Birmingham Agents observed DURAN and FLORES exit the vehicle and enter Birmingham Pistol Wholesale. At that time, an ATF undercover (UC) agent interacted with DURAN and FLORES, acting as a store employee of BIRMINGHAM PISTOL WHOLESALE. During the brief interaction, FLORES recertified his ATF Form

4473 (Firearms Transaction Record), indicating he was the actual purchaser by checking "Yes" to question 21a. "Are you the actual transferee/buyer of all the firearms listed on this form?" Additionally, the ATF UC instructed FLORES to come to a backroom to count the U.S. currency for the firearms transaction. The ATF UC requested for DURAN to go move his vehicle out back, so the Barrett .50 caliber rifles could be loaded into DURAN's truck. ATF Special Agents confronted DURAN after he moved his vehicle to the back warehouse area. Because DURAN was known to be armed, ATF Special Agents immediately detained DURAN and searched his person. DURAN did not have a firearm on his person, but stated one was locked in his vehicle. Agents recovered a truck key and \$1,950 of U.S. currency from DURAN. During this same time, FLORES was detained in the backroom of Birmingham Pistol Wholesale by additional ATF Special Agents.

26. DURAN and FLORES were briefly interviewed at Birmingham Pistol Wholesale before both individuals were transported back to the ATF Birmingham Field Office as to not interfere with the business operations of Birmingham Pistol Wholesale. DURAN's vehicle was transported by ATF Special Agent John Pearson, as a warrant would be pursued to search the vehicle.

27. During the post-*Miranda* contact/interview of DURAN, he requested counsel, so the interview was concluded. However, FLORES waived his Miranda Rights and agreed to speak with agents. FLORES admitted that he received the bulk U.S. currency (\$31,900), which was given to the ATF UC for the three Barrett .50 caliber rifles, from DURAN for the purpose of buying firearms for DURAN, that is,

a straw purchase. FLORES also reported that DURAN was operating on behalf of the Sinaloa Cartel. Also, it should be noted that FLORES stated that DURAN had previously acquired six (6) Barrett .50 caliber rifles. FLORES also stated he stayed at DURAN's residence recently in Tulsa, Oklahoma. FLORES further stated another male name "Cesar" was at DURAN's residence.

28. FLORES consented to a search of his cellular device, a Motorola smart phone with blue-colored back, and identified his phone number as (210) 542-8209. FLORES also identified DURAN's cellular number as (701) 680-2588, listed in his contacts as "Nano". It should be noted that on May 8, 2023, High End Armament Technology Inc., received a call from (701) 680-2588, in reference to purchasing the Barrett rifle that FLORES eventually attempted to purchase for \$12,000 on May 10, 2023.

29. During the consent search of FLORES' phone, S/A Brooks identified FLORES as having several communication applications installed on his cellular phone. These applications included "WhatsApp" and "Text Now", both applications utilize Voice over Internet Protocol (VOIP) to make calls and send/receive messages. The Text Now application had a listed phone number as (210) 538-2230, which would allow the phone user to make/receive calls, and/or messages, with this number. Based on my training and experience, WhatsApp, and other similar applications advertise "end to end" encryption that criminal organizations prefer to utilize to thwart Law Enforcement intrusions or monitoring. Law Enforcement has seen these applications used by other Mexican Firearm Trafficking

Organizations/Drug Trafficking Organizations as a primary method of communication for this reason.

30. Additionally, FLORES had several images of firearms stored on the device, including a photograph he took while at High End Armament Technology Inc. in Tulsa, Oklahoma. FLORES sent the photograph to (726) 213-0782, an individual FLORES claimed was J.E.T., but was stored in his contacts as "Taviz". This number was also the phone number initially provided by FLORES to Birmingham Pistol Wholesale when FLORES completed the ATF Form 4473 on May 9, 2023. FLORES later provided his actual phone number, (210) 542-8209, when he learned the purchase would be delayed. FLORES claimed J.E.T. is a close friend of his who lives in Texas and works at a fast-food restaurant. J.E.T.'s cellular phone toll records indicated that he had calls and text messages to phone number, (281) 282-7397, on March 7, 2023, and March 19, 2023. That phone number, (281) 282-7397, belongs to A.B. of Fort Stockton, Texas. On February 26, 2023, A.B. was identified as being involved in a firearm smuggling scheme where three (3) firearms were recovered hidden inside a vehicle that was being exported from the United States to Jalisco, Mexico. All three (3) firearms were purchased in Texas; one of them was purchased as recently as February 18, 2023, resulting in an eight (8) day Time-to-Crime.

31. During the interview, FLORES claimed he had been staying with DURAN at 1003 North Quaker Avenue, Tulsa, Oklahoma 74106, for the past fifteen (15) days. FLORES claimed that DURAN's mother resides at that residence and that an individual named "Cesar" was also there but that he was not a brother or father of

DURAN. FLORES also claimed when DURAN and FLORES went to High End Armament Technology Inc. in Tulsa, Oklahoma, they drove DURAN's mother's vehicle despite the presence of DURAN's Nissan Titan pickup.

32. S/A Brooks observed FLORES' recent call log and identified that he had received a call from Birmingham Pistol Wholesale on May 10, 2023, and placed a call to Birmingham Pistol Wholesale on May 9, 2023. The call from Birmingham Pistol Wholesale on May 10, 2023, was a controlled call at the direction of ATF to advise FLORES that the National Instant Background Check System (NICS) was a "Proceed", meaning the transaction could be completed. S/A Vessels was present during the call and remarked the participant's voice was more consistent with DURAN's rather than FLORES'. FLORES' call log showed a call from J.E.T. on May 7, 2023.

33. FLORES' call detail records from February 10, 2023, to May 8, 2023, identified FLORES was in contact with DURAN at (701) 680-2588, beginning on April 22, 2023, with over one hundred (100) calls, text messages or attempts, on twelve (12) separate days. The call detail records also indicated FLORES used "data" on his cellular phone three (3) times more often than voice calls or text messages, indicating he primarily uses VOIP or similar applications to communicate on his device.

34. S/A Brooks also observed FLORES' recent Google search history which included searches pertaining to Sinaloa Cartel Sicarios or hitmen. FLORES recent

Google Maps searches included "GunPrime" (Birmingham Pistol Wholesale) and Tulsa, Oklahoma.

35. On May 11, 2023, S/A Nechiporenko reviewed the security camera video from May 10, 2023, which included the following events:

- FLORES and DURAN arrive in 2017 Hyundai Tucson (OK/DRQ817).

DURAN was the driver.

FLORES and DURAN meet with A.K., a High End Armament Technology employee. A.K. provided FLORES and DURAN paperwork which appears to be completed by DURAN. FLORES hands cash to DURAN who then hands it to A.K.

- FLORES and DURAN walk around the interior of the store. DURAN appears to video record using his cellular phone. FLORES also has a cellular phone.

- FLORES and DURAN return to the counter.

- FLORES and DURAN exit the store and leave in the 2017 Hyundai Tucson.

- DURAN was the driver.

36. On May 11, 2023, S/A Nechiporenko returned to High End Armament Technology and spoke with A.K. who provided the following details regarding the incident:

- A price of \$12,000 USD was negotiated for one (1) Barrett M107A1, .50 BMG, Serial #AE001834. DURAN indicated they wanted the second Barrett M107A1 as well, but DURAN was informed it was not for sale.

- DURAN physically completed the ATF Form 4473. DURAN appeared to interpret the form to FLORES as DURAN completed it. The form was completed using FLORES' information. FLORES signed Block #22 (Transferee's/Buyer's Signature).
- FLORES gave a copy of FLORES' Oklahoma Temporary Receipt Non-Driver Identification Card to DURAN while DURAN completed the ATF Form 4473.
- FLORES counted money then passed it to DURAN who also counted it. Duran transferred the money to A.K., and A.K. counted it.
- A.K. submitted the information from the ATF Form 4473 to the National Instant Criminal Background Check System (NICS) which returned with "Proceed"; however, A.K. informed FLORES and DURAN it was "Delayed" so they could not take possession of the firearm yet.
- A hand-written bill of sale stating, "High End Armament Technology of Tulsa, OK has sold Barrett M107 to Jose Nicolas Flores for the sum of \$12,000 USD", and it was signed by FLORES.
- Phone numbers for FLORES (1-210-542-8209) and DURAN (1-701-580-1253). It should be noted DURAN's actual phone number was (1-701-580-1252).

37. While at the store, S/A Nechiporenko also spoke with R.L. who provided additional information including:

- FLORES and DURAN were not interested in purchasing ammunition, accessories, nor other firearms except one other Barrett .50 BMG caliber rifle.

The Barrett rifles did not include optics or sights.

- The money provided by FLORES and DURAN was put in a plastic bag, marked, and placed in a secure room.

38. On May 16, 2023, S/A Nechiporenko picked up the \$12, 000 in US Currency from High End Armament and proceeded to start the administrative forfeiture of the U.S currency in the ATF Evidence Vault in the form of a Cashier's Check.

39. On May 12, 2023, S/A Nechiporenko, S/A Edwards, and S/A Juarez went to 2007 North Atlanta Place, Tulsa, Oklahoma to interview A.F.I. Agents knocked on the residence; however, nobody answered the door. Agents spoke with a neighbor at 2001 North Atlanta Place who stated he did not know the residents of 2007 North Atlanta Place but observed a couple "Mexican guys" with a "big black truck" at the residence in recent weeks.

40. It is important to note that the purchase of multiple Barrett .50 caliber rifles does often alert firearm dealers to the likely presence of criminal behavior. It is also well known that the Barrett .50 caliber rifle is considered highly desirable by the Mexican Drug Cartels. The Barrett .50 caliber rifle, amongst other makes, can expel a very accurate, heavy, and fast-moving projectile that defeats all individually worn body armor, and is known as an anti-vehicle firearm that can penetrate and disable

vehicles, aircraft, etc., and can even defeat some types of protection provided by armored vehicles.

41. The above-described activity is also common among straw purchasers in the United States with the intent of smuggling the firearms to Mexico to support the drug cartels. Your affiant knows that the .50 caliber rifle is not only an expensive, desirable, and powerful weapon, but ownership of said firearm is a status symbol within the drug cartels. I also know that these straw purchases of Barrett .50 caliber rifles and their accessories, that are bound for use by the Mexican drug cartels, are predominately purchased with bulk cash.

42. Knowing that and to combat firearms trafficking into war torn Mexico, it's required for all FFLs located in the states of California, New Mexico, Arizona, and Texas to complete multiple sale forms for handguns and long guns, pursuant to the ATF Demand 3 letter. It should be noted that the ATF Demand 3 letter is issued monthly to assist ATF in its efforts to investigate and combat the illegal movement of firearms along and across the southwest border. Additionally, ATF requires FFLs to file a multiple sale form for individuals that purchase two or more firearms in a five-day timeframe. States that do not share a border with Mexico are required to complete multiple sale forms only for the sale of handguns but are exempt for reporting requirements pertaining to the sale of long guns. Based on my training and experience, firearms traffickers attempt to avoid detection of the purchase of bulk quantities of long guns by traveling out of the border states, thus avoiding the ATF Demand 3 letter requirement. The repeated purchase of Barrett .50 caliber rifles by

individuals residing close to and having ties to Texas is a clear indicator of firearms trafficking, especially when the firearms are being procured from another state, such as Alabama. In this instance, DURAN and FLORES' modus operandi aligns with that of previous known international firearm traffickers.

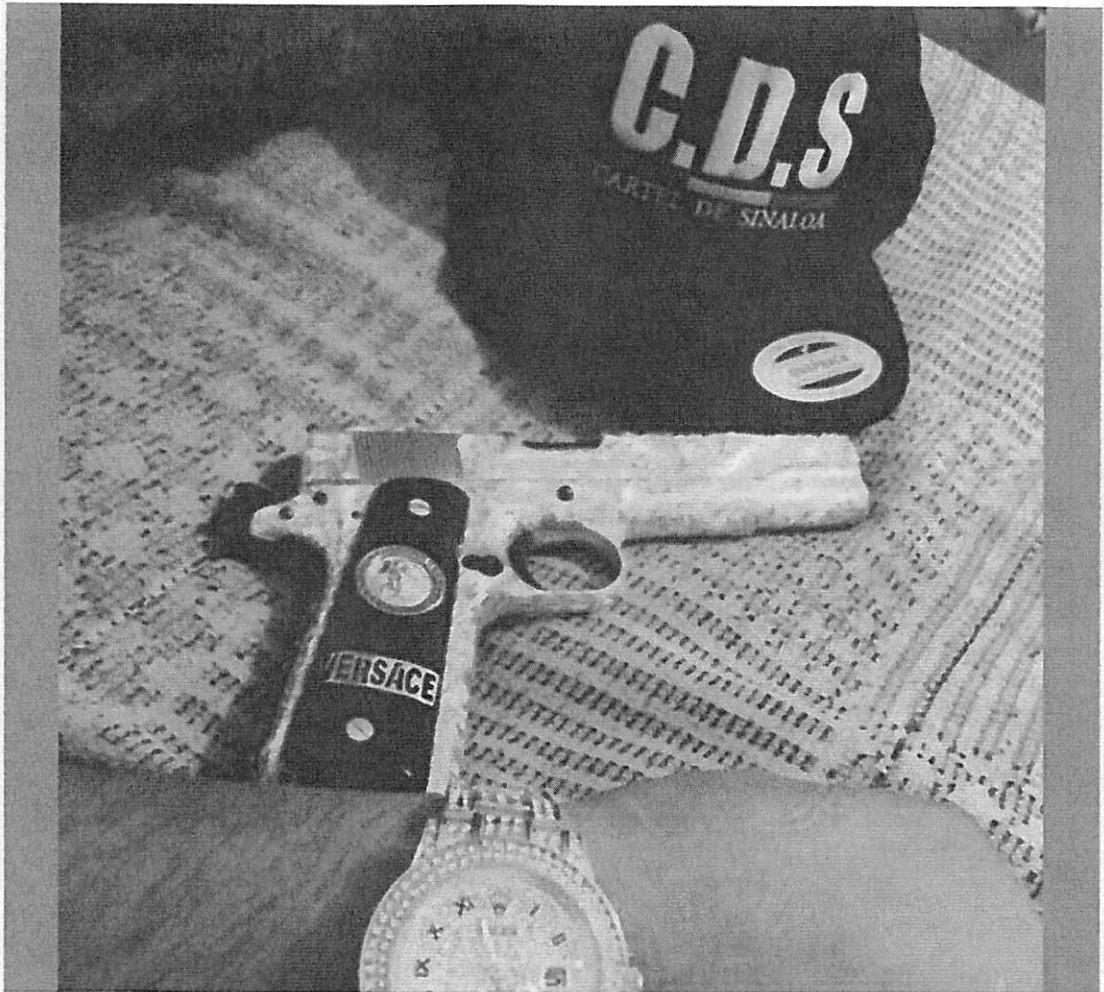
43. Based on the aforementioned intelligence, and the subsequent confession by FLORES, it is reasonable to believe DURAN is a firearms trafficker, and that FLORES and LOPEZ are amongst his straw purchasers. It is very likely that DURAN has other straw purchasers working on his behalf and in proxy for the Sinaloa Cartel.

44. ATF Birmingham S/A Brooks identified a Facebook social media page for LOPEZ, <https://www.facebook.com/profile.php?id=100002123944563>, that depicted images of Cartel De Sinaloa (Sinaloa Cartel or "CDS") members. Below are some of the images posted:



Cesar David Lopez updated his cover photo.

July 11, 2016 · 🌐

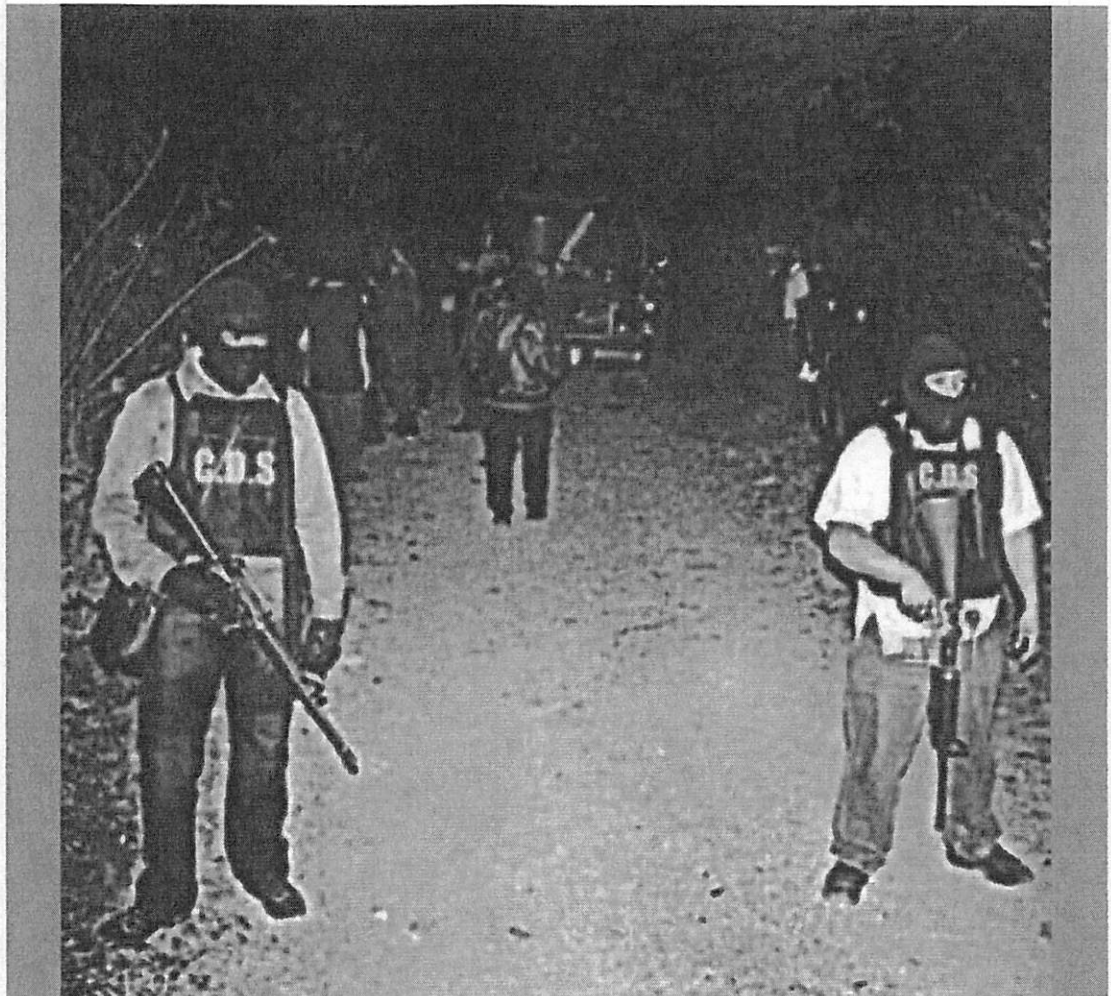


👍 1



Cesar David Lopez updated his cover photo.

July 4, 2016 · 🌐



45. On May 24, 2023, starting at approximately 6:30am, S/A Nechiporenko and S/A Tobin-Trice conducted surveillance at 1003 North Quaker Avenue, Tulsa, Oklahoma. Cesar LOPEZ listed this address on four (4) ATF Form 4473's during purchases of eight (8) Barrett .50 caliber rifles in Iowa between December 5, 2022, to April 28, 2023. The address was also listed on Cesar LOPEZ' Oklahoma Driver's License as well as open-source databases including TLO and Accurant.

46. At approximately 7:50am, a yellow van with “CertaPro Painters” decals arrived on parked on King Street next to the residence. The driver did not exit the vehicle.

47. At approximately 8:10am, a male wearing a light green shirt exited the residence and opened the driveway gate. A second male and two females also exited the residence. A male wearing a gray shirt entered the driver's seat of a 2015 GMC Sierra (Oklahoma/GVX128). The GMC Sierra drove out of the driveway and parked in front of 921 North Quaker Avenue which was located across King Street to the south. The male in the green shirt, male in the gray shirt, and female in the red shirt all exited the GMC Sierra and appeared to go in or near 921 North Quaker Avenue. The male in the gray shirt was possibly Reyes Lopez and the female in the red shirt was possibly Maribel Lopez.

48. A short time later, two (2) males entered a 2007 Dodge Charge (Oklahoma/LHM875) registered to Maribel Lopez. The driver appeared to possibly match the physical description and driver's license photograph for Cesar LOPEZ; however, agents were unable to determine for certain if the driver was LOPEZ.

49. On May 26, 2023, S/A Nechiporenko applied for a federal search warrant in the Northern Judicial District of Oklahoma for LOPEZ' residence located at 1003 North Quaker Avenue, Tulsa, Oklahoma. The Search Warrant (Case #23-MJ-331-MTS) was granted by the Honorable United States Magistrate Judge Mark Steele in the Northern District of Oklahoma.

50. On June 1, 2023, at approximately 6:05am, ATF Special Agents with the assistance of the Tulsa Police Department executed the search warrant at 1003 North

Quaker Avenue, Tulsa, Oklahoma.

51. Cesar LOPEZ was present during the execution of the search warrant and transported to the ATF Tulsa Field Office for an audio/video recorded interview conducted by S/A Nechiporenko and S/A Brooks (ATF Birmingham Field Office). S/A Nechiporenko read LOPEZ his Miranda Rights. LOPEZ verbally consented to speaking with law enforcement and signed a written Advice of Rights waiver form. LOPEZ verbally consented and signed a Consent to Search form permitting law enforcement to search his cellular telephone.

52. The following is a synopsis of information provided by LOPEZ during the interview:

- LOPEZ works as a painter and makes approximately \$16/hour.
- On October 22, 2022, LOPEZ and Juan DURAN met Kevin Ibarra at Arvest bank, 218 South Memorial Drive, Tulsa Oklahoma. Kevin Ibarra provided money to DURAN. DURAN and LOPEZ went to Sports World Inc, a federal firearms licensee, at 6841 East 41st Street, Tulsa, Oklahoma. LOPEZ purchased a .308 caliber "Scar" rifle for DURAN. LOPEZ used cash from DURAN that DURAN received from Kevin Ibarra. DURAN selected the firearm for LOPEZ to purchase. LOPEZ does not know what happened to the firearm after DURAN took it.
- Between approximately November 30, 2022, and December 3, 2022, LOPEZ and DURAN visited several firearms stores and a gun show in

Tulsa, Oklahoma. LOPEZ and DURAN were attempting to locate firearms dealers that had Barrett .50 caliber rifles for sale.

- On December 3, 2022, LOPEZ and DURAN travelled from Tulsa, Oklahoma to Fort Worth, Texas in a red minivan rented by DURAN. They drove to a house located at 3800 Townsend Drive, Fort Worth, Texas. Upon arrival, LOPEZ stayed in the vehicle, and DURAN received cash which LOPEZ estimated to be \$50,000 - \$60,000.
- On December 4, 2022, LOPEZ and DURAN travelled to Grimes, Iowa from Tulsa, Oklahoma and stayed at a LaQuinta Inn.
- On December 5, 2022, LOPEZ and DURAN went to Battle Hawk Armory, a federal firearms licensee, at 3060 Southeast Grimes Boulevard, Grimes, Iowa. LOPEZ used cash provided by DURAN to purchase four (4) Barrett .50 caliber rifles. LOPEZ and DURAN returned to Tulsa, Oklahoma with the firearms. LOPEZ and DURAN then travelled to a Red Roof Inn hotel in Fort Worth, Texas where they met a male unknown to LOPEZ. DURAN transferred the firearms to the unknown male.
- On December 6, 2022, LOPEZ believed DURAN travelled back to Texas from Tulsa, Oklahoma to receive additional money.
- On December 7, 2022, LOPEZ and DURAN departed from Tulsa, Oklahoma and returned to Battle Hawk Armory in Grimes, Iowa.

LOPEZ purchased another Barrett .50 caliber rifle using a combination of cash, a debit card, and credit card. The debit card and credit card belonged to DURAN. DURAN provided the cash for the purchase. LOPEZ believed DURAN took the firearm to Texas. LOPEZ received approximately \$800 dollars in return for purchasing the firearms for DURAN.

- On April 28, 2023, LOPEZ, DURAN, and an unknown male which LOPEZ believed to be DURAN's cousin, travelled back to Battle Hawk Armory in Grimes, Iowa from Tulsa Oklahoma. LOPEZ used cash provided by DURAN to purchase another three (3) Barrett .50 caliber rifles. During this transaction, LOPEZ and the unknown male (later identified as Jose FLORES) went into the store, but DURAN remained inside the vehicle.
- On or around April 30, LOPEZ and DURAN travelled from Tulsa, Oklahoma to the parking lot of King Buffet, 102520 Technology Boulevard West, Dallas, Texas with the intent of delivering the firearms. The individual(s) they were to meet did not show up, so LOPEZ and DURAN returned to Tulsa, Oklahoma with the firearms. LOPEZ did not know what happened to the firearms.
- LOPEZ believed the firearms were going to Mexico, and likely, to a cartel.

- LOPEZ knew his actions were unlawful. LOPEZ stated in the event of them being stopped by law enforcement while traveling with the firearms, they did not come up with a story to explain the firearms. LOPEZ acknowledged it would be unrealistic that they planned to use the firearms for hunting or recreation, especially since LOPEZ did not have the income to purchase the firearms.

53. On June 1, 2023, an Industry Operations Investigator contacted Sports World Inc. regarding the possible purchase of the rifle by LOPEZ. Industry operations investigators (IOIs) support ATF's regulatory mission by conducting regular inspections and investigations into regulated firearms and explosives industries.

54. Sports World Inc. confirmed LOPEZ purchased an FN SCAR 17S, .308 caliber, Serial #H1C18082, on October 22, 2022. Sports World Inc. also provided a copy of the ATF Form 4473 (Firearm Transaction Record) which was completed by LOPEZ. The form indicated LOPEZ answered "Yes" to question 21(a) which states, "Are you the actual transferee/buyer of the firearm(s) listed on this form and any continuation sheet(s)".

CONCLUSION

Based on the information set forth in this affidavit, I submit there is probable cause to believe that Cesar LOPEZ violated Title 18 U.S.C. §§ 933 – Trafficking in Firearms, Title 18 U.S.C. §§ 371 – Conspiracy, and Title 18 U.S.C. §§ 922(a)(6) –

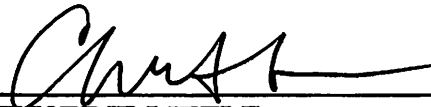
False Statements Intended or Likely Deceive FFL Regarding Fact Material to the Lawfulness of the Sale, and request that an arrest warrant be issued for Cesar David LOPEZ (DOB XX-XX-1995; SSN XXX-XX-0761).

Respectfully submitted,



Ben Neechiporenko
Special Agent
Bureau of Alcohol, Tobacco, Firearms &
Explosives

Subscribed and sworn via phone on the 2nd day of June 2023.



CHRISTINE LITTLE
UNITED STATES MAGISTRATE JUDGE