

ATF Purchases:

November 24-25, 2009

ATF first known firearms purchase occurred on November 24, 2009, at FFL **ATF**. On that day he was in the company of another Fast and Furious suspect **ATF**. On November 24, 2009, **ATF** purchased five (5) FN Herstal Five-Seven pistols, and **ATF** purchased five (5) AK-47 type rifles. On the ATF Form 4473 **ATF** listed his address as [REDACTED]. At the time of the purchase, **ATF** were traveling in a 2000 Isuzu Rodeo registered to [REDACTED]. As of this date, the five (5) FN pistols purchased by **ATF** on November 24, 2009, have not been recovered.

ATF received multiple sale report. At this time, **ATF** not yet identified as a "suspect" in the ATF Suspect Gun/Person Database.

December 12, 2009

On December 12, 2009, **ATF** purchased five (5) ROMARM WASR-10 AK-47 type rifles from **ATF**. **ATF** was notified of this purchase on December 12, 2009 when agents received the ATF Form 4473 recording the purchase. As of this date, these five AK-47 type rifles have not been recovered.

December 17, 2009

On December 17, 2009, AUSA, ATF Group Supervisor **ATF** and ATF Special Agent **ATF** met with **ATF** the owner of **ATF**. **ATF** had been providing information to ATF on large firearms purchases, including large purchases of (only) long guns which do not trigger any multiple purchase reporting requirements. This information was being provided voluntarily and without compensation from ATF. **ATF** had expressed concerns about the cooperation he was providing and whether he was endangering himself or implicating himself in a criminal investigation.

ATF was advised by the agents and AUSA that they could not tell him who he could or could not sell to and that they could not instruct him to make a sale in violation of the law or to refuse to make a lawful sale. He was advised by the agents that as an FFL he has to comply with all of the statutes and regulations that govern the sale and transfer of firearms and cannot sell firearms unless the required paperwork and background check were completed. As long as the required forms were properly filled out and the FFL did not know or have a reason to know that the firearms were part of a straw purchase or intended to be used in a crime, that he could complete the transfer. **ATF** was also told by the agents and this AUSA that the information he provided to ATF regarding large firearms

transactions, particularly sales involving only long guns, was very important and useful to ongoing ATF investigations.

During this meeting, ATF agents also described additional information that [ATF] or his employees might receive from purchasers which would not necessarily be required by the provisions of Chapter 44 of Title 18 to be kept in his records, but which would prove useful to ATF. This information included phone numbers or other contact information as well as license plate numbers and vehicle descriptions. As of the date of this meeting, [ATF] was already providing this type of information to ATF and continued to do so throughout the course of the investigation.

January 9-14, 2010

On January 9, 2010, [ATF] purchased three (3) FN Herstal Five-Seven pistols from [ATF]. [ATF] On January 14, 2010, these firearms were entered into the suspect gun database by ATF Phoenix. At this time, [ATF] not yet identified as a "suspect" in the ATF Suspect Gun/Person Database.

On January 13, 2010, [ATF] entered into the ATF Suspect Gun/Person Database along with others. [ATF] appears on the chart, with a total of 2 multiple sales reports involving a total of 8 firearms, as well as 2 suspect gun reports, for a total of 10 suspect firearms. It should be noted that based on this chart, as of 1/13/2010, [ATF] had 0 firearms identifiable with him that had been traced by ATF.

On January 14, 2010, in Columbus, New Mexico, (a border town), U.S. Border Patrol agents pulled over a vehicle driven by [REDACTED] with passenger [REDACTED] due to suspicious driving behavior. In the vehicle they found three AK-47 type rifles purchased by [ATF] three FN Herstal Five-Seven pistols purchased by [ATF] on January 9, 2010, from FFL Lone Wolf Trading Company, and two Ruger pistols purchased by another. U.S. Border Patrol agents did not observe any other criminal conduct and so returned the firearms to the occupants of the vehicle. They did not trace any of the firearms. ATF Phoenix was notified of the observation of the firearms on May 17, 2010, after ATF Las Cruces forwarded information in connection with a firearms trafficking investigation in New Mexico involving [REDACTED] and others. The investigation of [REDACTED] is still ongoing, [REDACTED] and must be viewed as close-hold. [REDACTED]

January 16-19, 2010

On January 16, 2010, [ATF] purchased the three ROMARM WASR-10 AK-47 type rifles, Serial Numbers **1971CZ3775** and **1983AH3977** as well as 1979IS1530. ATF was not notified of this purchase until January 19, 2010. This notification came only through the cooperation of the FFL as this long gun only purchase would not trigger any affirmative reporting requirements. [Guns in bold are associated with Agent Terry shooting.]

March 2010

On March 1, 2010, [ATF] purchased one FN Herstal Five-Seven pistol from Legendary Guns in a single-firearm transaction. On or about March 3, 2010, this pistol was recovered by Phoenix Police in connection with a drug house in Phoenix. This was the first actual recovery of a firearm purchased by [ATF]

June 2010

[ATF] purchased 2 Barrett .50 firearms on June 4 and June 15, 2010.

December 2010

On December 14, 2010, Agent Terry was shot and killed. Two of the guns purchased by [ATF] on January 16 were found at the scene.

Following the incident, ATF agents located and interviewed [ATF] admitted to ATF that he straw purchased these firearms for an unidentified Hispanic male. ATF arrested [ATF] and, on December 16, filed a criminal complaint for federal firearms charges based on a false statement about his address made in connection with a purchase on June 15, 2010 (relating to a different gun). During that purchase, [ATF] had provided the address on his driver's license and car registration, which was no longer his current address. [ATF] was later indicted on January 19, 2011 as part of the Fast and Furious conspiracy.