

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT
for the
District of New Mexico



United States of America
v.
Larry ARCHULETA

Case No. 22 MJ 529

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

Table with 2 columns: Code Section, Offense Description. Row 1: Title 18, United States Code, Section 922(a)(6); For an individual to knowingly make false statements in connection with the purchase of a firearm (24 counts)

This criminal complaint is based on these facts:

See the attached affidavit of ATF Special Agent Brenton Hutson, which is incorporated by reference

Continued on the attached sheet.

Handwritten signature of Brenton Hutson

Complainant's signature

Brenton Hutson, ATF Special Agent

Printed name and title

Telephonically sworn and electronically submitted.

Date: April 4, 2022

Handwritten signature of Jerry H. Ritter

Judge's signature

City and state: Albuquerque, New Mexico

Hon. Jerry H. Ritter, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Brenton Hutson, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION**

1. I am a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and have been so employed since January 2020. I am a United States Marine Corps Veteran, to include one combat deployment, and am also a graduate of the University of Colorado, holding a Bachelor's Degree in Nonprofit Management and a Master's Degree in Public Administration. I previously worked in the field of human services for approximately seven years, managing programs designed to assist individuals struggling with homelessness, severe mental illness, and substance use disorders. I have attended and graduated from the Federal Law Enforcement Training Center and the ATF National Academy.

2. I have training and experience investigating violations of Federal law. As a result of my training and experience as an ATF Special Agent, I am familiar with the Federal criminal laws and know that it is a violation of:

- a. Title 18, United States Code, Section 922(a)(6) for an individual to knowingly make false statements in connection with the purchase of a firearm

3. I am familiar with the information contained in this Affidavit based upon the investigation that I have conducted, on 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.

4. Based on my training and experience and the facts set forth in this Affidavit, there is probable cause to believe that 28 violations of Title 18, United States Code, Section 922(a)(6) – Knowingly Making False Statements in Connection with the Purchase of a Firearm have been committed by Larry ARCHULETA.

**SUMMARY OF PROBABLE CAUSE****Report of Suspicious Activity by ARCHULETA**

5. On January 11, 2022, I was contacted via text message by an individual whose identity is known to me, identified hereafter as Witness 1 (W1). W1 indicated Larry Jo ARCHULETA had purchase eighteen firearms since August (appearing to infer August of 2021), essentially buying the same firearm over and over from Federal Firearms Licensee (FFL) BMC Tactical. W1 further expressed their belief that ARCHULETA was likely profiting from selling firearms.

**Firearms Transferred to ARCHULETA**

6. I subsequently researched firearms traces linked to ARCHULETA, leading to the identification of ARCHULETA as the original retail purchaser of a firearm recovered by law enforcement, the results of which are summarized below:

| <u>Transfer Date</u> | <u>Firearm</u>                         | <u>FFL</u>   | <u>Recovery Date</u> | <u>Time to Crime</u> |
|----------------------|--|--------------|----------------------|----------------------|
| 07/17/2020           | Keltec Sub-2000 9mm Rifle (SN: FFSR39) | BMC Tactical | 06/02/2021           | 320 days             |

7. I noted this trace reflected a time-to-crime – that being the time from the original retail purchase of the firearm to the time it was recovered by law enforcement - of 320 days. Based upon my training and experience, I know 320 days is considered to be a short time-to-crime and is possibly indicative of criminal activity.

8. In reviewing copies of ATF Form 4473 Firearms Transaction Records from FFLs BMC Tactical, Los Ranchos Gun Shop, Sportsman's Warehouse, Cabela's, and Caliber's, I identified approximately thirty-seven firearms reflected as having been transferred to ARCHULETA between May 21, 2020, and January 4, 2022, with approximately thirty-three of those firearms having been transferred between August 5, 2021, and January 14, 2022. On each of the reviewed ATF Form 4473s, ARCHULETA appeared to indicate he was the actual buyer/transferee of the listed firearms and further appeared to sign a certification warning him of the criminal consequences of indicating as such on the form if he is not the actual transferee/buyer. These transfers are summarized in the table below:

| <u>Certification Date</u> | <u>Transfer Date</u> | <u>FFL</u>                | <u>Firearms Transferred to ARCHULETA</u>                                       | <u>Indicated Actual Buyer Transferee?</u> | <u>Signed Certification Statement?</u> |
|---------------------------|----------------------|---------------------------|--|---|--|
| 05/21/2020                | 05/21/2020           | BMC Tactical              | 1) Citadel Pat 12Ga Shotgun (SN: 20-6752)                                      | Yes                                       | Yes                                    |
| 07/17/2020                | 07/17/2020           | BMC Tactical              | 1) Keltec Sub-2000 9mm Rifle (SN: FFSR39)                                      | Yes                                       | Yes                                    |
| 03/26/2021                | 03/26/2021           | BMC Tactical              | 1) Glock 43x 9mm Pistol (SN: BPAV947)  | Yes                                       | Yes                                    |
| 03/31/2021                | 03/31/2021           | BMC Tactical              | 1) Smith and Wesson M&P15 22 Caliber Pistol (SN: WAJ0398)                      | Yes                                       | Yes                                    |
| 08/05/2021                | 08/05/2021           | Sportsman's Warehouse 126 | 1) Stoeger Turkey/Stoeger Industries USA STR-9 9mm Pistol (SN: T6429-21U03523) | Yes                                       | Yes                                    |
| 08/09/2021                | 08/09/2021           | Sportsman's Warehouse 126 | 1) Springfield Croatia/Springfield USA XS 9mm Pistol (SN: BA383613)            | Yes                                       | Yes                                    |
| 08/11/2021                | 08/11/2021           | BMC Tactical              | 1) Glock 26 9mm Pistol (SN: BUGF863)   | Yes                                       | Yes                                    |
| 08/20/2021                | 08/20/2021           | BMC Tactical              | 1) Glock 19x 9mm Pistol (SN: BSYB540)  | Yes                                       | Yes                                    |
| 09/15/2021                | 09/15/2021           | BMC Tactical              | 1) Mossberg Blaze 47 .22 LR Rifle (SN: RA0027622)                              | Yes                                       | Yes                                    |
| 09/17/2021                | 09/17/2021           | Cabela's                  | 1) Smith & Wesson M&P40 .40 Caliber Pistol (SN: DTK2594)                       | Yes                                       | Yes                                    |

|            |            |                           |  |     |     |
|------------|------------|---------------------------|--|-----|-----|
| 09/22/2021 | 09/22/2021 | BMC Tactical              | 1) Glock 22 .40 Pistol (SN: BSYH540)   | Yes | Yes |
| 09/23/2021 | 09/23/2021 | BMC Tactical              | 1) Glock 45 9mm Pistol (SN: BUFB213)   | Yes | Yes |
| 09/28/2021 | 09/28/2021 | BMC Tactical              | 1) Glock 19x 9mm Pistol (SN: BURR297)  | Yes | Yes |
| 09/29/2021 | 09/29/2021 | BMC Tactical              | 1) DiamondBack DB15 Multi Caliber Rifle (SN: DB2177594)  | Yes | Yes |
| 09/29/2021 | 09/29/2021 | Los Ranchos Gun Shop      | 1) Glock 29 10mm Pistol (SN: BUDD645)  | Yes | Yes |
| 09/30/2021 | 09/30/2021 | Los Ranchos Gun Shop      | 1) Glock 29 10mm Pistol (SN: BUDD087)  | Yes | Yes |
| 10/5/2021  | 10/5/2021  | BMC Tactical              | 1) Radical Firearms RF-15 Multi Caliber Pistol (SN: 21-024540)                                       | Yes | Yes |
| 10/8/2021  | 10/8/2021  | BMC Tactical              | 1) Glock 19 9mm Pistol (SN: BUPT252)<br>2) Maverick by Mossberg Model 88 12ga Shotgun (SN: MV84191X) | Yes | Yes |
| 10/20/2021 | 10/20/2021 | Cabela's                  | 1) ACP / AP International M1911A1 A1-FS .45 Pistol (SN: RIA2386708)                                  | Yes | Yes |
| 10/29/2021 | 10/29/2021 | Sportsman's Warehouse 126 | 1) SCCY CPX-2 9mm Pistol (SN: C216158)<br>2) SCCY CPX-2 9mm Pistol (SN: C216145)                     | Yes | Yes |

|            |            |                           |  |     |     |
|------------|------------|---------------------------|--|-----|-----|
| 11/2/2021  | 11/2/2021  | BMC Tactical              | 1) Smith and Wesson M&P Shield Plus 9mm Pistol (SN: JHB3752)                                   | Yes | Yes |
| 11/12/2021 | 11/12/2021 | BMC Tactical              | 1) Glock 21 Gen 4 .45 Pistol (SN: AGDA958)<br>2) Glock 21 .45 Pistol (SN: AGDA959)             | Yes | Yes |
| 11/13/2021 | 11/13/2021 | Sportsman's Warehouse 126 | 1) Glock 20 10mm Pistol (SN: BUCK558)  | Yes | Yes |
| 12/01/2021 | 12/01/2021 | BMC Tactical              | 1) Glock 19x 9mm Pistol (SN: BVEE308)<br>2) SDS Imports BLP M12AA 12Ga Shotgun (SN: 21-B03497) | Yes | Yes |
| 12/11/2021 | 12/11/2021 | BMC Tactical              | 1) Glock 19 9mm Pistol (SN: AGAD184)   | Yes | Yes |
| 12/14/2021 | 12/14/2021 | BMC Tactical              | 1) American Tactical Omni Hybrid Multi Caliber Pistol (SN: NS330764)                           | Yes | Yes |
| 12/15/2021 | 12/15/2021 | BMC Tactical              | 1) Glock 26 9mm Pistol (SN: BVAT021)   | Yes | Yes |
| 12/16/2021 | 12/16/2021 | Caliber's                 | 1) Glock 19 9mm Pistol (SN: AFSL124)   | Yes | Yes |
| 12/17/2021 | 12/17/2021 | Sportsman's Warehouse 126 | 1) Glock 23 .40 Pistol (SN: BUCY747)   | Yes | Yes |
| 01/04/2022 | 01/04/2022 | Sportsman's Warehouse 126 | 1) Glock 19x 9mm Pistol (SN: BVHS878)  | Yes | Yes |
| 01/07/2022 | 01/07/2022 | BMC Tactical              | 1) Glock 19x 9mm Pistol (SN: BVXU976)  | Yes | Yes |

|            |            |              |   |     |     |
|------------|------------|--------------|---|-----|-----|
| 01/11/2022 | 01/11/2022 | BMC Tactical | 1) Glock 27 .40 Pistol (SN: ZVP249)               | Yes | Yes |
| 01/14/2022 | 01/14/2022 | BMC Tactical | 1) ATI Omni Hybrid .300 Blk Pistol (SN: NS330280) | Yes | Yes |

8. On January 18, 2022, I reviewed available receipts for firearms purchased by ARCHULETA from Sportsman's Warehouse and BMC Tactical. Transactions from these FFLs associated with the above-listed transfers of firearms, including other items and tax, totaled approximately \$14,474.06 between August 5, 2021, and January 4, 2022. While this does not reflect every transaction from every FFL ARCHULETA was observed to have been transferred firearms from, I noted that this appeared to be large sum of money expended in a relatively short period of time, often on similar types, makes, or models of firearms.

#### **January 18, 2022, Interview of ARCHULETA**

9. On January 18, 2022, at approximately 5:22PM, I was contacted via telephone by an individual whose identity is known to me, identified hereafter as Witness 2 (W2). W2 reported Larry ARCHULETA was at BMC Tactical to purchase a firearm, having been accompanied by two unidentified individuals. Subsequently, I began traveling to BMC Tactical and requested the assistance of additional law enforcement officers. Other law enforcement units and I entered BMC Tactical at approximately 6:05PM. Once inside, I observed ARCHULETA near the service counter of the store. Other law enforcement officers and I maintained surveillance of ARCHULETA for several minutes while attempting to identify ARCHULETA's associates.

10. Approximately four minutes after entering the store, I approached ARCHULETA and displayed my ATF badge to him, asking if ARCHULETA would mind speaking with me for a minute, to which ARCHULETA agreed. I observed a firearm tucked into ARCHULETA's front waistband and directed him to keep his hands away from the firearm as ARCHULETA, myself, and SA Garcia, walked to a store office room located nearby. This office, with two doors leading into it on either side of the room, was kept unlocked throughout the duration of the contact with ARCHULETA. One door, leading to another office and a nearby building exit, remained open throughout the duration of the contact as well. SAs did not restrain ARCHULETA or block or attempt to block ARCHULETA's access to either door during the interview. Once inside the office, ARCHULETA motioned to the firearm, appearing to infer that SAs could take it off his person. I asked ARCHULETA if I could retrieve the firearm from ARCHULETA's person for the safety of the SAs present, and ARCHULETA agreed. I cleared the firearm and placed it in my bag, out of sight, throughout the duration of the interview. During the course of our contact with ARCHULETA, myself and SA Garcia wore unmarked civilian attire, with our firearms concealed and out of view.

11. Prior to the interview commencing, I advised ARCHULETA of his *Miranda* rights, with ARCHULETA indicating he understood his rights and subsequently agreeing to speak with SAs.

I explained to ARCHULETA that the SAs present were ATF agents and showed ARCHULETA my ATF credentials.

12. During the course of this interview, ARCHULETA admitted making false statements in connection with twenty-four separate firearms transactions which resulted in the total purchase of twenty-eight firearms. Specifically, ARCHULETA indicated the firearms were purchased for an individual named Juan, known to ARCHULETA as a San Jo gang associate, and that he was not the actual transferee/buyer of the firearms despite indicating he was the transferee/buyer on the ATF Form 4473 Firearms Transaction Records associated with the transfers. These firearms and ARCHULETA's admissions, as well as other transfers in which he denied making false statements, are summarized in the table below:

| <u>Certification Date</u> | <u>FFL</u>                | <u>Firearms Transferred to ARCHULETA</u>                                       | <u>Indicated Actual Buyer Transferee</u> | <u>Signed Certification Statement</u> | <u>Admitted Lying on ATF Form 4473</u>   |
|---------------------------|---------------------------|--|--|---------------------------------------|--|
| 05/21/2020                | BMC Tactical              | 1) Citadel Pat 12Ga Shotgun (SN: 20-6752)                                      | Yes                                      | Yes                                   | No (indicated it was his personal firearm)   |
| 07/17/2020                | BMC Tactical              | 1) Keltec Sub-2000 9mm Rifle (SN: FFSR39)                                      | Yes                                      | Yes                                   | No (indicated he purchased it for himself)   |
| 03/26/2021                | BMC Tactical              | 1) Glock 43x 9mm Pistol (SN: BPAV947)  | Yes                                      | Yes                                   | Yes  |
| 03/31/2021                | BMC Tactical              | 1) Smith and Wesson M&P15 22 Caliber Pistol (SN: WAJ0398)                      | Yes                                      | Yes                                   | No (indicated he originally purchased for himself, and that San Jo associates subsequently saw it and purchased it from him) |
| 08/05/2021                | Sportsman's Warehouse 126 | 1) Stoeger Turkey/Stoeger Industries USA STR-9 9mm Pistol (SN: T6429-21U03523) | Yes                                      | Yes                                   | Yes  |



|            |                           |   |     |     |     |
|------------|---------------------------|---|-----|-----|-----|
| 08/09/2021 | Sportsman's Warehouse 126 | 1) Springfield Croatia/Springfield USA XS 9mm Pistol (SN: BA383613) | Yes | Yes | Yes |
| 08/11/2021 | BMC Tactical              | 1) Glock 26 9mm Pistol (SN: BUGF863)                                | Yes | Yes | Yes |
| 08/20/2021 | BMC Tactical              | 1) Glock 19x 9mm Pistol (SN: BSYB540)                               | Yes | Yes | Yes |
| 09/15/2021 | BMC Tactical              | 1) Mossberg Blaze 47 .22 LR Rifle (SN: RA002762)                    | Yes | Yes | Yes |
| 09/22/2021 | BMC Tactical              | 1) Glock 22 .40 Pistol (SN: BSYH540)                                | Yes | Yes | Yes |
| 09/23/2021 | BMC Tactical              | 1) Glock 45 9mm Pistol (SN: BUFB213)                                | Yes | Yes | Yes |
| 09/28/2021 | BMC Tactical              | 1) Glock 19x 9mm Pistol (SN: BURR297)                               | Yes | Yes | Yes |
| 09/29/2021 | BMC Tactical              | 1) DiamondBack DB15 Multi Caliber Rifle (SN: DB217759)              | Yes | Yes | Yes |
| 09/29/2021 | Los Ranchos Gun Shop      | 1) Glock 29 10mm Pistol (SN: BUDD645)                               | Yes | Yes | Yes |

|            |                           |   |     |     |     |
|------------|---------------------------|---|-----|-----|-----|
| 09/30/2021 | Los Ranchos Gun Shop      | 1) Glock 29 10mm Pistol (SN: BUDD087 )  | Yes | Yes | Yes |
| 10/5/2021  | BMC Tactical              | 1) Radical Firearms RF-15 Multi Caliber Pistol (SN: 21-024540)  | Yes | Yes | Yes |
| 10/8/2021  | BMC Tactical              | 1) Glock 19 9mm Pistol (SN: BUPT252)<br>2) Maverick by Mossberg Model 88 12ga Shotgun (SN: MV84191 X) | Yes | Yes | Yes |
| 10/29/2021 | Sportsman's Warehouse 126 | 1) SCCY CPX-2 9mm Pistol (SN: C216158)<br>2) SCCY CPX-2 9mm Pistol (SN: C216145)                      | Yes | Yes | Yes |
| 11/2/2021  | BMC Tactical              | 1) Smith and Wesson M&P Shield Plus 9mm Pistol (SN: JHB3752)  | Yes | Yes | Yes |
| 11/12/2021 | BMC Tactical              | 1) Glock 21 Gen 4 .45 Pistol (SN:   | Yes | Yes | Yes |

|            |                                      |   |     |     |  |
|------------|--------------------------------------|---|-----|-----|--|
|            |                                      | AGDA958<br>)<br>2) Glock 21<br>.45 Pistol<br>(SN:<br>AGDA959<br>)   |     |     |  |
| 12/01/2021 | BMC<br>Tactical                      | 1) Glock 19x<br>9mm Pistol<br>(SN:<br>BVEE308)<br>2) SDS<br>Imports<br>BLP<br>M12AA<br>12Ga<br>Shotgun<br>(SN: 21-<br>B03497) | Yes | Yes | Yes  |
| 12/11/2021 | BMC<br>Tactical                      | 1) Glock 19<br>9mm Pistol<br>(SN:<br>AGAD184<br>)   | Yes | Yes | Yes  |
| 12/14/2021 | BMC<br>Tactical                      | 1) American<br>Tactical<br>Omni<br>Hybrid<br>Multi<br>Caliber<br>Pistol (SN:<br>NS330764<br>)                                 | Yes | Yes | Yes  |
| 12/15/2021 | BMC<br>Tactical                      | 1) Glock 26<br>9mm Pistol<br>(SN:<br>BVAT021)   | Yes | Yes | Yes  |
| 01/04/2022 | Sportsman<br>'s<br>Warehous<br>e 126 | 1) Glock 19x<br>9mm Pistol<br>(SN:<br>BVHS878)  | Yes | Yes | No (this being the<br>firearm<br>ARCHULETA had<br>on his person,<br>indicating it was his<br>personal firearm) |
| 01/07/2022 | BMC<br>Tactical                      | 1) Glock 19x<br>9mm Pistol<br>(SN:  | Yes | Yes | Yes (date<br>misidentified on the<br>recording as  |

|            |                 |   |     |     |  |
|------------|-----------------|---|-----|-----|--|
|            |                 | BVXU976<br>)  |     |     | January 1 <sup>st</sup> , error<br>due to handwriting) |
| 01/11/2022 | BMC<br>Tactical | 1) Glock 27<br>.40 Pistol<br>(SN:<br>ZVP249)                      | Yes | Yes | Yes  |
| 01/14/2022 | BMC<br>Tactical | 1) ATI Omni<br>Hybrid<br>.300 Blk<br>Pistol (SN:<br>NS330280<br>) | Yes | Yes | Yes  |

13. ARCHULETA explained that an individual named Juan, who he knew as a San Jo gang associate, had ARCHULETA purchase firearms for him. ARCHULETA explained, “what I’ve heard from a lot of people is that like they’re selling to people that you don’t want to mess with and stuff.” ARCHULETA indicated that, originally, Juan would message him through Snapchat. Subsequently, ARCHULETA indicated they (appearing to refer to those asking ARCHULETA to purchase firearms for them) would get ahold of ARCHULETA through a friend of ARCHULETA’s.

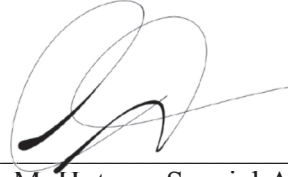
14. ARCHULETA explained the process typically involved in him purchasing firearms for the San Jo gang. In sum, the girlfriend of ARCHULETA’s friend would tell ARCHULETA what ‘they’ told ARCHULETA’s friend. ARCHULETA would then meet Juan, and they would tell ARCHULETA what firearms they wanted. ARCHULETA indicated he would sometimes receive money for the firearms up front or would use his own money to purchase the firearms up front and then receive the money when ARCHULETA met them to provide the firearms. ARCHULETA indicated he would go to the gun store, buy the firearm, and then would return to them with the firearm. ARCHULETA denied making money from these transactions but affirmed he would sometimes receive some ‘weed’ (understood to refer to Marijuana) for his part in the transaction, and that he smokes marijuana.

15. At one point during the interview, ARCHULETA stated, “I do know the consequences of my actions for me lying on this paperwork.” Shortly thereafter, ARCHULETA indicated he knew it was a felony.

**CONCLUSION**

16. Based on the foregoing facts, I submit there is probable cause to believe **Larry ARCHULETA** has committed 24 violations of Title 18, United States Code, Section 922(a)(6) – Knowingly Making False Statements in Connection with the Purchase of a Firearm, within the District of New Mexico. I respectfully request a warrant be issued for his arrest.

Respectfully submitted,



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Brenton M. Hutson, Special Agent  
Bureau of Alcohol, Tobacco, Firearms and  
Explosives

Electronically submitted and telephonically sworn, this 4th day of April, 2022



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The Honorable Jerry H. Ritter  
United States Magistrate Judge