

United States Attorney's Office

Northern District of Iowa

PRESS RELEASE

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SHOOTER IN GANG-RELATED DRIVE-BY SENTENCED TO FEDERAL PRISON

United States Attorney Matt M. Dummermuth announced today a gang member who fired multiple rounds into an occupied home in Sioux City, Iowa, on May 1, 2007, was sentenced today to more than 12 years in federal prison.

VICTOR GUTIERREZ, 28, of Sioux City, received the prison term after a September 28, 2008, guilty plea to six firearms crimes including two felon in possession counts, two counts of possession of a firearm with an obliterated serial number, and two conspiracy counts. **GUTIERREZ** had been previously convicted of felony possession of cocaine and felony failure to appear in Dakota County, Nebraska, on January 28, 2003.

According to information presented in court by the United States, **GUTIERREZ** used a semi-automatic firearm to commit a gang-related drive-by shooting on May 1, 2007. The night of the drive-by shooting, **GUTIERREZ**, Alejandro Guerrero-Valadez, and two other gang members drove slowly by the home once, reversed course, accelerated, and **GUTIERREZ** fired more than 15 rounds out of the moving vehicle's window hitting a family's home, cars, and garage.

After the drive-by shooting, **GUTIERREZ** and another gang member told Jonathan Torress-Ortiz of the shooting and asked Ortiz to hide or destroy the gun. Ortiz hid the gun for the next six months and repeatedly lied to law enforcement about the gun's location.

GUTIERREZ was sentenced in Sioux City by United States District Court Chief Judge Linda R. Reade. **GUTIERREZ** was sentenced to 150 months' imprisonment. A special assessment of \$600 was imposed. He must also serve a 3-year term of supervised release after the prison term, during which time he may not associate with members or associates of any street gang. There is no parole in the federal system. **GUTIERREZ** is being held in the United States Marshal's custody until he can be transported to a federal prison.

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On October 17, 2008, Valadez and Ortiz were both sentenced for their

connection to the firearm. Valadez was sentenced to 63 months' imprisonment and ordered to pay a \$100 special assessment. Ortiz was sentenced to 37 months' imprisonment and ordered to pay a \$100 special assessment. Both men must also serve three years' supervised release following prison.

"One year ago, I was here and promised Sioux City gang members 'If you break the law, we will work together to send you to prison.' Today's sentencing is another example of how we are making good on that promise," said Dummermuth. "That warning is as good today as it was a year ago. Local, state, and federal agencies are working hard to put gang offenders behind bars."

"This is an example of what can be accomplished when agencies combine resources and aggressively investigate and prosecute violent offenders," said Bureau of Alcohol, Tobacco, Firearms and Explosives Special Agent in Charge Mike Boxler. He also expressed his thanks for all the hard work done by the agents, detectives, and prosecutors in bringing this violent offender to justice.

"Street gangs prey on the neighborhoods in which they operate, and they instill fear through intimidation and violence. By partnering with other law enforcement agencies in Iowa and across the country, we are successfully targeting these gangs, arresting their leaders, disrupting their operations, and putting their members and associates behind bars. ICE brings unique law enforcement capabilities to the table. We are one of the few agencies that can not only take gang members off the streets, but when it comes to those who are in the United States illegally, we can ultimately remove them from the country," said Michael Kuhn, Resident-Agent-in Charge, Immigration and Customs Enforcement.

This case was prosecuted as part of Project Safe Neighborhoods, a cooperative local, state, and federal program aimed at the enhanced prosecution of gun crimes. The case was investigated by the Bureau of Alcohol, Tobacco, Firearms, and Explosives; Immigration and Customs Enforcement; and Sioux City Police Department's Gang Enforcement Unit. The case was prosecuted by Assistant United States Attorney Forde Fairchild.