



PRESS RELEASE

CONTACT: Elizabeth M. Martinez
Executive Assistant U.S. Attorney
Public Affairs Officer
elizabeth.martinez@usdoj.gov
505.224.1469

For Immediate Release

August 24, 2012

BORDER PATROL AGENT PLEADS GUILTY TO FIREARMS CONSPIRACY

Girlfriend & Co-Defendant Previously Entered Guilty Plea to Misprision of a Felony

ALBUQUERQUE – U.S. Attorney Kenneth J. Gonzales for the District of New Mexico announced that Ricardo Montalvo, 29, of El Paso, Tex., pled guilty to a conspiracy offense this morning in the El Paso Division of the U.S. District Court for the Western District of Texas. The guilty plea was entered under a plea agreement with the U.S. Attorney’s Office for the District of New Mexico.

Montalvo and his girlfriend, Carla Gonzales-Ortiz, 34, a Mexican national who resides in El Paso, Tex., were charged with conspiracy, firearms and smuggling charges in a 20-count indictment filed on April 4, 2012. At the time of the events charged in the indictment, Montalvo was an agent with the U.S. Border Patrol. Montalvo has been on administrative desk duty since Jan. 2011, when the investigation into the case was initiated.

According to the indictment, between Nov. 2010 and Jan. 2011, Montalvo and Gonzales-Ortiz participated in a conspiracy to illegally purchase firearms, ammunition and high-capacity magazines of the type for which there was a ready market among the Mexican Cartels. The indictment alleged that the defendants made these purchases knowing that the firearms, ammunition and magazines were intended to be illegally exported to Mexico.

During the three-month period covered by the indictment, Montalvo, Gonzales-Ortiz and others obtained nine firearms by falsely claiming that they were the actual purchasers of the firearms, when in fact they were acting as “straw purchasers” who were buying the firearms on behalf of others. According to the indictment, Montalvo purchased approximately 20,000 rounds of ammunition and 97 high-capacity magazines, including ten 100-round magazines for 5.56 mm rifles and ten 75-round drum magazines for 7.62x39 mm rifles, during this period. Montalvo also purchased four 37 mm flare launchers, which are desired by Mexican Cartels because they may be converted easily into grenade launchers.

This morning, Montalvo pled guilty to Count 1 of the indictment charging him with participating in a conspiracy to make straw purchases of firearms. In his plea agreement,

Montalvo admitted that, from Nov. 2010 to Jan. 2011, he knowingly recruited other individuals to straw purchase firearms from federally licensed firearms dealers in the El Paso area.

Under the terms of Montalvo's plea agreement, the United States will move to dismiss the 19 remaining counts of the indictment as against Montalvo after he is sentenced. At sentencing, Montalvo faces a maximum penalty of five years of imprisonment and a \$250,000 fine. Montalvo has been in federal custody since his arrest on April 9, 2012, and remains detained pending his sentencing hearing on Nov. 9, 2012.

Yesterday (Aug. 23, 2012), Gonzales-Ortiz pleaded guilty to an information charging her with misprision of a felony. In her plea agreement, Gonzales-Ortiz admitted that, in Dec. 2010, she knew that Montalvo was committing a federal offense and that she failed to report the crime to law enforcement authorities. More specifically, Gonzales-Ortiz admitted that she knew that Montalvo solicited her and others to purchase guns for him at his direction. She further acknowledged that she falsely stated on ATF forms that she was purchasing the guns for herself when in fact she was purchasing them for Montalvo.

Under the terms of Gonzales-Ortiz's plea agreement, the United States will move to dismiss the indictment as against Gonzales-Ortiz after she is sentenced. At sentencing, Gonzales-Ortiz faces a maximum penalty of three years of imprisonment and a \$250,000 fine. She will be deported after she completes her prison sentence. Gonzales-Ortiz has been in federal custody since her arrest on April 9, 2012. Her sentencing hearing is scheduled for Nov. 2, 2012.

The case is being prosecuted by Assistant U.S. Attorney Mark Saltman of the Las Cruces office of the U.S. Attorney's Office for the District of New Mexico, and was investigated by the Bureau of Alcohol, Tobacco, Firearms & Explosives and U.S. Customs and Border Protection, Office of Internal Affairs.

###

12-217