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Office of Dennis K. Burke, United States Attorney for the District of Arizona

Monday, May 2, 2011

Guilty Pleas for Two Mexican Nationals in Conspiracy to Acquire "Stinger" Missile and Other Military-Grade Weapons***A Third Defendant Found Guilty at Trial of Possessing Over 10 Pounds of Meth***

PHOENIX – Two Mexican nationals have pleaded guilty and a third has been found guilty by a jury in recent days for their roles in a conspiracy to trade drugs and cash for military-grade weapons -- including a Stinger anti-aircraft missile – for use by Sinaloa drug cartels. The defendants were arrested in late 2009 as part of a multi-agency joint undercover operation known as Operation White Gun.

David Diaz-Sosa, 26, of Sinaloa, Mexico, pleaded guilty on April 19, 2011, to one count of Conspiracy to Acquire and Export an Anti-Aircraft Missile, one count of Conspiracy to Possess Unregistered Firearms (Machine Guns), and Transfer Firearms for Use in a Drug Trafficking Crime, one count of Conspiracy to Possess with Intent to Distribute Methamphetamine, and one count of Possession with Intent to Distribute Methamphetamine for his role in conspiring to acquire, transfer and export military-grade weaponry to a Mexican drug trafficking organization. He is set to be sentenced before U.S. District Court Judge James Teilborg on August 1, 2011.

Emilia Palomino-Robles, 42 of Sonora, Mexico, entered a guilty plea on April 13 to one count of Conspiracy to Possess with Intent to Distribute over 500 grams of Methamphetamine for her role as a courier delivering both 2,029 grams of actual pure methamphetamine and \$139,900 to be used as a partial payment for the military-grade weaponry, that was ultimately destined for export and transfer to the Republic of Mexico, and a Mexican drug trafficking organization. Her sentencing is set before Judge Teilborg on July 25, 2011.

Finally, a federal jury in Phoenix last week found Jorge DeJesus-Casteneda, 22, of Sinaloa, Mexico, guilty of Possession with Intent to Distribute 500 grams of more of Methamphetamine (11.8 pounds). DeJesus-Casteneda was arrested while delivering methamphetamine that Defendant Diaz-Sosa intended to use as a partial down payment to complete a military-grade weapons deal. The case was tried before Judge Teilborg on April 19, 2011. The defendant being held or remanded after trial. His sentencing is set for July 25, 2011.

"It is a chilling thought that warring Mexican drug cartels are actively seeking military-grade anti-aircraft missiles and explosives in Arizona, so I am extremely proud of the work this office and our law enforcement partners have done to uncover and stop this particular scheme," said U.S. Attorney Dennis K. Burke. "This was a complex investigation – a tremendous team effort – that put a stop to a well-financed criminal conspiracy to acquire massive destructive firepower."

In late 2009, David Diaz-Sosa, a weapons and narcotics broker, began negotiating the purchase of high-powered, military-grade weapons for the Sinaloa Drug Cartel, the largest of the Mexican Drug Cartels. Shortly after the weapons negotiations began, Diaz-Sosa arranged for the delivery of 4.5 pounds methamphetamine to serve as a down payment for the weapons. Emilia Palomino-Robles made that initial delivery on behalf of Diaz-Sosa. For approximately the next three months, Diaz-Sosa and his partners negotiated with undercover federal agents for the purchase of the following weapons: A Dragon Fire anti-tank weapon; two AT-4s (an 84-mm unguided, portable, single-shot recoilless smoothbore weapon); a Law Rocket (a Light Anti-Tank Weapon); a Stinger Missile (a portable infrared homing anti-aircraft surface-to-air missile); two Def Tech grenade launchers and a dozen 40 mm grenades; one M-60 machine gun; one .30 caliber machine gun; and three cases of hand grenades. As these negotiations continued, Diaz-Sosa and his associates agreed to exchange both cash and methamphetamine as a final payment for the weapons. On February 17, 2010, Diaz-Sosa went to an undercover warehouse maintained by the Bureau of Alcohol, Tobacco, Firearms and Explosives, to finalize the weapons exchange at which time Diaz-Sosa and DeJesus-Casteneda were taken into custody by federal agents. At the time of his arrest, DeJesus-Casteneda was responsible for possessing with the intent to deliver over 11 pounds of methamphetamine. Later that

same day, Palomino-Robles was arrested in possession of \$139,900, which was determined to be additional portion of the weapons payment.

“The guilty pleas and conviction resulting from this investigation were the result of the highly successful joint effort by ATF, DEA, DCIS, and the U.S. Attorney’s Office for the District of Arizona,” said Janice M. Flores, Acting Special Agent-in-Charge of the Defense Criminal Investigative Service Southwest Field Office. “The efforts of this law enforcement team, along with the courage and determination of the law enforcement agents, prevented military-grade weapons, including anti-aircraft and anti-tank weapons, from falling into the hands of a Mexican drug cartel. I believe that speaks volumes regarding the importance and impact of this investigation.”

“It is clear that criminal organizations and drug cartels based in Mexico continue to look towards the United States as a source of supply for firearms and in this case military grade weapons such as: grenades, machine guns, and Man-Portable Air Defense Systems (MANPADS).” said ATF Special Agent in Charge Thomas Brandon. “The Bureau of Alcohol, Tobacco, Firearms & Explosives remains resolutely committed to work with its law enforcement partners to disrupt networks involved in the illegal trafficking and distribution of weapons and narcotics,” said This decision sends a clear message of the federal government’s commitment to keeping Americans safe. Today, through the well-coordinated effort of all involved agencies, dangerous weapons have been kept out of the hands of those who could turn those weapons against the United States.”

DEA Acting Special Agent in Charge, Doug Coleman added, “Drug cartels use violence and intimidation to perpetuate their criminal activities and prey upon the weakness of others. The guilty pleas and convictions in this investigation are yet another example of how DEA and its law enforcement partners will never relent in using every tool at our disposal to bring these criminals to justice, and make them pay for the damage and destruction they cause to society.”

A conviction for Conspiracy to Acquire and Export an Anti-Aircraft Missile carries a maximum penalty of life, a \$2 million fine or both. This charge additionally carries a minimum mandatory term of 25 years. A conviction for of Conspiracy to Possess Unregistered Firearms (Machine Guns), and Transfer Firearms for Use in a Drug Trafficking Crime carries a maximum penalty of 5 years, a \$250,000 fine or both. A conviction for Conspiracy to Possess with Intent to Distribute 500 grams or more of Methamphetamine carries a maximum penalty of life, a \$4 million fine or both. This charge additionally carries a mandatory minimum of 10 years. Finally, a conviction for Possession with Intent to Distribute 500 grams or more of Methamphetamine carries a maximum penalty of life, a \$4 million fine or both. This charge also carries a mandatory minimum sentence of 10 years. In determining an actual sentence, Judge Teilborg will consult the U.S. Sentencing Guidelines, which provide appropriate sentencing ranges. The judge, however, is not bound by those guidelines in determining a sentence.

The investigation leading to the convictions in this case was conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives; the Drug Enforcement Administration, and the Defense Criminal Investigative Service. The prosecution was handled by Josh Patrick Parecki, Assistant U.S. Attorney, District of Arizona, Phoenix and Robert J. Sander, Trial Attorney, Counterterrorism Section, National Security Division, Department of Justice.

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