

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Colorado

United States of America )

v. )

Gabriel Rodriguez )  
Defendant )

Case No. 21-mj-00123-STV

CRIMINAL COMPLAINT

I, the undersigned complainant in this case, state that the following is true to the best of my knowledge and belief. On or about July 9, 2021, in the State and District of Colorado, the defendant, Ricardo Rodriguez, violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 922(g)(1)	Possession of a firearm or ammunition by a prohibited person.
21 U.S.C. § 841(a)(1) & (b)(1)(B)(viii)	Possession with intent to distribute methamphetamine

This criminal complaint is based on these facts:

See Affidavit attached hereto and herein incorporated by reference.

Continued on attached sheet.

*s/ Gregory Johnson*

*Complainant's signature*

Gregory Johnson, Special Agent, ATF

*Printed name and title*

Sworn to before me and:  submitted, attested to, and acknowledged by reliable electronic means.

Date: July 14, 2021

City and state: Denver, CO



*Judge's signature*

Scott T. Varholak, U.S. Magistrate Judge

*Printed name and title*

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Gregory Johnson, Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), being duly sworn, depose and state under penalty of perjury that the following is true to the best of my information, knowledge and belief.

1. I am a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Department of Justice, in Denver, Colorado. I am an “investigative or law enforcement officer of the United States” within the meaning of 18 U.S.C. § 2510(7), and am authorized under the Federal Rule of Criminal Procedure 41 to request an arrest warrant.
2. I have been a SA with ATF since October 2016. My primary duties consist of enforcing federal firearms laws, particularly those related to illegal firearms possession and armed narcotics trafficking. I have conducted this investigation and other such investigations as an ATF SA. Prior to becoming an ATF SA, I was employed as an Intelligence Officer in the United States Marine Corps for approximately eight years. I graduated from The Pennsylvania State University in 2007 with a Bachelor of Arts in Communication Arts and Sciences
3. 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 facts that I believe are necessary to establish probable cause to believe that Richard PLATT violated 18 U.S.C. § 922(g)(1).
4. The information contained within the affidavit is based on my training and experience, as well as information imparted to me by other law enforcement officers involved in this investigation. Additionally, your affiant has included information from his own observations as well as information gleaned from Denver Police Department reports relating to this case (DPD GO Reports 2021- 391416 and 2021-391900).

**DPD Responds to the Maven Hotel—July 9, 2021**

5. The weekend of July 9, 2021, the City of Denver was hosting the Major League Baseball (MLB) All Star Game and associated events. The scheduled events were expected to bring in a larger than usual number of visitors to the downtown area over the weekend. The Maven Hotel, located at 1850 Wazee St, Denver, CO 80202, is situated in a high-foot traffic area approximately one block from Coors Field, where the events were taking place.
6. At approximately 11:00 am on July 9, 2021, Denver Police Department (DPD) officers responded to the Maven Hotel, located at 1850 Wazee St, Denver, CO 80202, on a suspicious occurrence. A member of the hotel cleaning staff entered room #809 to clean when she observed multiple firearms in the room. She left the room and notified hotel management. Subsequently DPD was notified. It was determined that the occupant of room #809 was an individual named Ricardo RODRIGUEZ (hereinafter R. RODRIGUEZ). Hotel staff advised DPD investigators that R. RODRIGUEZ had originally been assigned a different room but that R. RODRIGUEZ requested to be moved to a room with a balcony. The hotel obliged and relocated R. RODRIGUEZ to room #809. Hotel security expressed concerns about R. RODRIGUEZ’s intentions after the cleaning staff reported seeing the firearms in the room. Furthermore, hotel

staff advised that a vehicle parked in the hotel parking garage, a white Mercedes with Idaho license plate 8BMR437, was attributed to R. RODRIGUEZ. Hotel staff reported seeing a tactical vest with firearm magazines inside the car.

7. It was also determined that R. RODRIGUEZ had checked in with another individual named Richard PLATT, who was staying in room #403. A review of security footage from the prior day showed the two men together in the lobby. DPD determined that PLATT had an outstanding warrant out of Douglas County, Colorado, for dangerous drugs and possession of a weapon by a previous offender. At approximately 6:43 pm, undercover officers observed PLATT exit room #403. Officers followed PLATT to the hotel parking garage where PLATT was taken into custody on the outstanding warrant. It was noted that PLATT was attempting to enter a white Chevy Trailblazer, CO plate BGYJ76, parked across from the above-mentioned white Mercedes, at the time of contact.
8. Due to the circumstances and a concern for public safety, PLATT was questioned by DPD officers while being transported about his acquaintance R. RODRIGUEZ. Officers asked PLATT if R. RODRIGUEZ had firearms in the room. PLATT related that R. RODRIGUEZ did have rifles and handguns in his room (#809). PLATT further stated that R. RODRIGUEZ had brought firearms to PLATT's room (#403) and left them there, confirming that there were firearms in both rooms. PLATT told officers that his girlfriend, later identified as Kanoelehua SERIKAWA, and his dog were in room #403 at the time of his arrest. PLATT could not confirm at that time the whereabouts of R. RODRIGUEZ. PLATT told officers that he had not seen R. RODRIGUEZ since earlier that morning when R. RODRIGUEZ was in his room acting strangely while manipulating the firearms. Officers asked PLATT if R. RODRIGUEZ had mentioned harming anyone, to which PLATT responded that R. RODRIGUEZ had mentioned going to Mexico and shooting people. PLATT provided the officers with the phone number he used to communicate with R. RODRIGUEZ.
9. DPD officers obtained a physical description of R. RODRIGUEZ. R. RODRIGUEZ was described as a Hispanic male, approximately 5'05", 185 pounds and bald. DPD officers established surveillance in and around the Maven Hotel area to locate R. RODRIGUEZ. While on surveillance, officers observed a Hispanic male who matched the description of R. RODRIGUEZ, sitting on a couch near the elevator bank and a backpack resting next to the couch. Another officer reported seeing the same male carrying a heavy looking backpack and looking over his shoulder in what the officer felt was a nervous manner. The male was Hispanic, bald, wearing a yellow shirt, blue jeans, with a pair of sunglasses on top of his head. The individual was taken into custody along with the backpack. It was noted that the backpack was abnormally heavy. Unprompted, the suspect stated several times that the backpack was not his and that he had nothing to do with its contents. Given the circumstances and aforementioned safety concerns, as well as believing at the time that this male was the suspect they had been looking for, officers were concerned that backpack could contain a weapon such as a firearm or explosive device. Officers conducted a protective sweep of the backpack in which they discovered a grey and black Kel-Tec 9mm semi-automatic handgun, which had an obliterated serial number. This weapon was loaded with 7 live 9mm bullets inside of a magazine and an empty chamber. Officers also located a large quantity of suspected methamphetamine, as well as a clear, plastic bag with a heavy scent of vinegar, believed to be suspected heroin. While this man was in custody, the officers determined that he was in fact not R. RODRIGUEZ. The individual was identified as Gabriel RODRIGUEZ (hereinafter G. RODRIGUEZ).

### **Search Warrants for Rooms #809 & #403**

10. Search warrants for rooms #809 and #403 were completed and signed. Upon service of the search warrant for room #403, SERIKAWA was contacted and taken into custody. It was determined that SERIKAWA had an outstanding warrant for her arrest, on which she was held. Upon service of the search warrant for room #809, R. RODRIGUEZ was contacted inside and taken into custody.
11. During the search of room #403 investigators found numerous firearms, various types and quantities of suspected narcotics, and over \$10,000.00 of United States currency. Firearms known to me that were found in room #403 are as follows (this is not a comprehensive list of firearms or other items found):
  - Smith and Wesson, model 19, 357 caliber, s/n: ABN2082
  - Colt, model 1911, .45 caliber pistol, s/n: 270331
  - SWD, model M11/9, 9mm pistol, s/n: 89-0027407
  - Sig Sauer, model P938, 9mm pistol, s/n:52B02206
  - Anderson Manufacturing, model AM-15 multi caliber lower, s/n: 21184456
  - Anderson Manufacturing, model AM-15 multi caliber lower, s/n: 21100345
  - Anderson Manufacturing, model AM-15 multi caliber lower, s/n: 21193454
  - Springfield Armory, model Saint Edge 556 caliber pistol, s/n: SE80969
12. During the search of room #809 investigators found miscellaneous firearms parts/accessories, ammunition, and several firearms. Firearms known to me that were found in room #809 are as follows (this is not a comprehensive list of firearms or other items found):
  - Taurus International MFG, model G2C, 9mm pistol, s/n: ACE897420
  - Anderson Manufacturing, model AM-15 multi caliber lower, s/n: 21193461
  - Anderson Manufacturing, model AM-15 300 Blackout rifle, s/n:21193478

### **Interview—Richard PLATT**

13. PLATT was transported to DPD headquarters where he was read his *Miranda* rights and interviewed by a DPD detective and an ATF Agent. PLATT stated that he understood his rights, waived his right to have an attorney present during questioning, and agreed to speak with investigators. I participated in the PLATT interview. What follows is a summation of PLATT's statements and not a verbatim transcription:
14. PLATT stated that he met R. RODRIGUEZ through his friend Joe from Boulder. PLATT stated that he and Joe had a mutual friend who wanted to purchase firearms. Joe related to him (PLATT) that R. RODRIGUEZ was a firearms seller and connected him (PLATT) with R. RODRIGUEZ. PLATT stated that he believed R. RODRIGUEZ was a legitimate firearm seller because R. RODRIGUEZ showed him invoices for gun purchases. PLATT related that, approximately a week ago, R. RODRIGUEZ agreed to make a gun for one of PLATT's friends. Moreover, PLATT related that R. RODRIGUEZ was from Idaho.
15. PLATT further stated that he and R. RODRIGUEZ checked in to the Maven Hotel. R. RODRIGUEZ and PLATT checked in on July 7, 2021, and they were schedule to depart July 9,

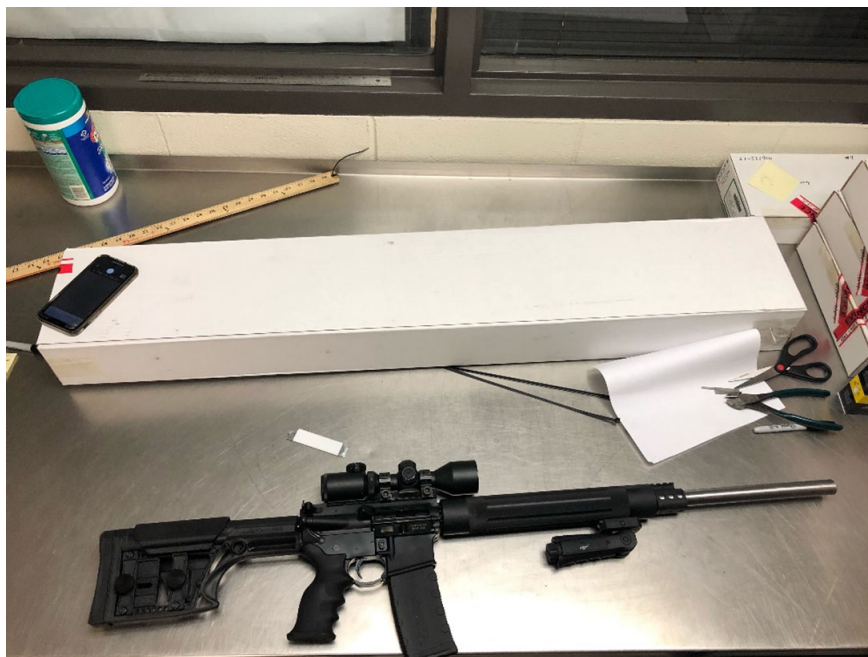
2021. Once checked in, he and R. RODRIGUEZ went to R. RODRIGUEZ's room first because PLATT's room was not ready. PLATT stated that R. RODRIGUEZ started taking out parts for guns and began putting them together. Furthermore, PLATT stated that R. RODRIGUEZ began talking "all crazy." PLATT said that R. RODRIGUEZ stated that he wanted to arm every veteran in America. R. RODRIGUEZ also said that he was with the State Department and that he wanted to change foreign policies in Mexico.

16. PLATT described R. RODRIGUEZ assembling the firearms and then disassembling them furiously. PLATT also recalled that R. RODRIGUEZ discussed the specifications of the firearms and their functions. PLATT related that R. RODRIGUEZ got inebriated and continued to assemble and disassemble the firearms. R. RODRIGUEZ then left three guns and gun parts (levers, bolts, and other parts) in PLATT's room. PLATT related that R. RODRIGUEZ had approximately ten guns in his bag.
17. PLATT said that the guns discovered in his room (#403) belonged to R. RODRIGUEZ. PLATT further stated that R. RODRIGUEZ had left the guns in his room earlier that morning. PLATT continued to say that R. RODRIGUEZ had talked about killing people and putting people "down". Furthermore, PLATT related that R. RODRIGUEZ pulled a gun on PLATT.
18. According to PLATT, in the morning of Friday, July 9, 2021, R. RODRIGUEZ showed up to PLATT's room and was "jazzed up." PLATT stated that R. RODRIGUEZ had three or four bags of guns when he showed up. Furthermore, R. RODRIGUEZ had told him that he could not access his room because he was unable to pay for the incidentals on the room.
19. PLATT stated that he sent R. RODRIGUEZ \$145.00 through Cash App. PLATT further stated that he told R. RODRIGUEZ that he would not pay for his room again. PLATT noted that when R. RODRIGUEZ was in PLATT's room, R. RODRIGUEZ continued to assemble and disassemble guns, including a sniper rifle.
20. PLATT related that there were approximately ten guns in his (PLATT's) room. These guns included four handguns and three rifles. PLATT stated that the guns were left in his (PLATT's) room by R. RODRIGUEZ. Moreover, PLATT stated that "Rocco" is PLATT's drug dealer. PLATT related that he paid for R. RODRIGUEZ's room to keep good graces with Rocco, due to PLATT owing Rocco money. During the course of the interview, the relationship between Rocco and PLATT was not addressed.
21. PLATT said he and R. RODRIGUEZ went to Bighorn (a firearms store) on July 8, 2021, and bought gun bolts and a bag. PLATT related that R. RODRIGUEZ put the guns in a bag and put them in the closet in his room. Moreover, PLATT related that R. RODRIGUEZ has more guns in his room upstairs. PLATT also stated that R. RODRIGUEZ told employees at the firearms store that he was a gun dealer and got a discount for the items he purchased at Bighorn.
22. PLATT further related that he set up a gun purchase between Rocco and R. RODRIGUEZ. Investigators recalled that G. RODRIGUEZ mentioned that PLATT had sent him photographs of firearms. Investigators advised PLATT about a picture sent from his phone (PLATT) to G. RODRIGUEZ. PLATT relayed to investigators that PLATT took pictures of the guns and sent them to G. RODRIGUEZ. Furthermore, PLATT told G. RODRIGUEZ the guns were for sale. Investigators believe that Rocco and G. RODRIGUEZ are two different people and PLATT was

discussing two separate gun deals. The details of the gun purchase between Rocco and R. RODRIGUEZ was not addressed in the interview.

23. PLATT related he did not have a choice in getting involved with the gun sales because he was in trouble with Rocco. PLATT stated he was trying to make extra money on the back side. PLATT stated that he was offered \$500.00 for facilitating a sale.
24. PLATT related that SERIKAWA was not involved in the sale of the guns. Furthermore, PLATT stated that all the narcotics belonged to him. PLATT related that he had heroin, ecstasy and cocaine. Moreover, the narcotics were kept in the drawer in his hotel room. PLATT related that he bought the narcotics from Rocco and Rocco brought the narcotics to the hotel.
25. PLATT, having denied purchasing any firearms for himself throughout the interview, ultimately divulged to investigators that he did purchase one gun from R. RODRIGUEZ. PLATT described the firearm as the “sniper rifle.” PLATT mentioned that the rifle was a .300 Blackout. PLATT said that he purchased the “sniper rifle” for \$1,000.00, and he was going to sell it to G. RODRIGUEZ for \$1,500.00. PLATT said that he paid R. RODRIGUEZ via Cash App. Figure 1 illustrates the “sniper rifle” I believe PLATT described in the interview.

*Figure 1*



26. During the interview, PLATT told investigators that he knew he was a felon and that he understood that he was prohibited from possessing a firearm. PLATT stated that his first felony on his record was in 2018.

#### **Interview—Ricardo RODRIGUEZ**

27. R. RODRIGUEZ was transported to DPD headquarters where he was read his *Miranda* rights interviewed by a DPD detective and an ATF Agent. R. RODRIGUEZ stated that he understood his rights, waived his right to have an attorney present during questioning, and agreed to speak

with investigators. I participated in the R. RODRIGUEZ interview. What follows is a summation of R. RODRIGUEZ's statements and not a verbatim transcription:

28. R. RODRIGUEZ initially told investigators that he was in Denver to buy guns and drugs and that he was there looking at a "couple of guys." R. RODRIGUEZ stated that one of the "guys" was a "Mr. Platt" and subsequently provided the first name "Richard." R. RODRIGUEZ could not provide the name of the second male he was there to meet. He further claimed that he was presenting himself as an arms dealer so that he could make contacts within cartel organizations in order to work his way up the ladder. He claimed that he intended on turning over the contents of his investigation to law enforcement authorities.
29. R. RODRIGUEZ told investigators that he was staying in room #809 at the Maven Hotel. He further explained that he had no intention of shooting people. R. RODRIGUEZ stated that he brought several firearms with him to Denver which he planned to show to the individuals he was meeting with. R. RODRIGUEZ told investigators that he had brought several firearms to PLATT's room and that he left several of the firearms in PLATT's room where they would still be.
30. R. RODRIGUEZ told investigators that there were also firearms located in his room #809. R. RODRIGUEZ initially stated that he does not sell firearms, nor did he intend to sell the firearms he brought with him to Denver. However, R. RODRIGUEZ later stated that he does receive proceeds from the sale of firearms. Furthermore, R. RODRIGUEZ eventually admitted to investigators that he did sell one of his firearms to PLATT. Additionally, R. RODRIGUEZ told investigators that he thought PLATT intended to sell firearms to gang members.
31. R. RODRIGUEZ said that the above-mentioned white Mercedes was his and that there was a ballistic vest with 30 round magazines and a pistol that belonged to him inside. R. RODRIGUEZ eventually told investigators that he and PLATT went to Bighorn gun store together and purchased firearm parts.
32. R. RODRIGUEZ stated that he is aware he is a felon and therefore prohibited from owning or buying firearms. R. RODRIGUEZ told investigators that a woman in Idaho purchases firearms for him. R. RODRIGUEZ further explained that he purchases parts and accessories and assembles firearms himself.

#### **Interview—Kanoelehua SERIKAWA**

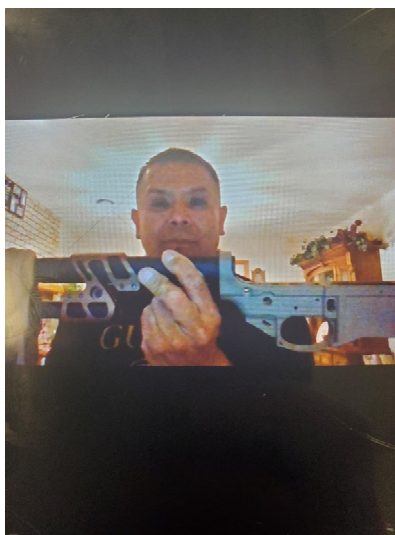
33. SERIKAWA was transported to DPD Headquarters where she was read her *Miranda* rights and asked if she would speak with investigators. SERIKAWA refused to speak with investigators.

#### **Interview—Gabriel RODRIGUEZ**

34. G. RODRIGUEZ was transported to DPD headquarters where he was read his *Miranda* rights and interviewed by a DPD detective. G. RODRIGUEZ stated that he understood his rights, waived his right to have an attorney present during questioning, and agreed to speak with investigators. What follows is a summation of G. RODRIGUEZ's statements and not a verbatim transcription.

35. G. RODRIGUEZ stated that he was at the Maven Hotel to meet with an associate of his, who G. RODRIGUEZ said was named Richard PLATT. G. RODRIGUEZ said that PLATT contacted G. RODRIGUEZ to purchase a pound of methamphetamine and some "black" (street slang commonly used in reference to heroin) from G. RODRIGUEZ. Accordingly, G. RODRIGUEZ contacted a separate associate of his that he knows as "Angel" (a/k/a "El Jeffe" a/k/a "Maistro") and ordered the desired narcotics from him.
36. G. RODRIGUEZ stated that he has been working for and with "Angel" for approximately four to five years. After contacting "Angel," G. RODRIGUEZ was given a location where he met with "Angel" and picked up a backpack near 74th Ave. in Commerce City, near a Diamond Shamrock gas station. He was unable to provide an intersecting roadway. After picking up the backpack, G. RODRIGUEZ stated that he looked inside and discovered that a gun had been added to the delivery, along with the methamphetamine and heroin. G. RODRIGUEZ left the gun inside of the backpack.
37. G. RODRIGUEZ stated that he was supposed to meet PLATT at the bar located in the Maven Hotel. G. RODRIGUEZ related that PLATT was supposed to be getting a room at this hotel, and that he is known to stay in multiple different hotels throughout the Denver downtown area. G. RODRIGUEZ stated that he knows PLATT as a person who sells firearms, and that PLATT has sent multiple pictures of guns to G. RODRIGUEZ recently.
38. G. RODRIGUEZ showed investigators photographs of guns sent from PLATT. The photographs contained multiple pictures of handguns, long guns, ballistic vests and other items that appeared to be seated upon a bed inside of a hotel room. The photos were sent to G. RODRIGUEZ on July 1, 2021. Some of the photos showed a Hispanic male with short brown hair and brown eyes, that G. RODRIGUEZ stated he did not know. G. RODRIGUEZ related that this male was making guns for PLATT to sell and was visiting from a different state such as Iowa. Figure 2 is the photograph provided by G. RODRIGUEZ. A DPD detective examined the photograph and compared the photograph with Ricardo RODRIGUEZ's arrest booking photograph and determined that the depicted male is Ricardo RODRIGUEZ.

*Figure 2*





### **Preliminary Examination of Narcotics Seized From Gabriel Rodriguez During Arrest**

39. Officer Vina Maciel-Diaz based on training and experience in conducting investigations related to narcotics investigations, along with the packaging and the appearance, believes the backpack on the person of G. RODRIGUEZ contained approximately 450 grams of methamphetamine. Officer Maciel examined the Denver Police Crime Laboratory Presumptive Drug Screening Report, which indicated that the narcotics recovered in the backpack tested as 51.589 grams of heroin, 15.942 grams of marijuana, and 447.078 grams of methamphetamine. Forensic Scientist Karla Vasquez completed the examinations on July 12, 2021.

### **Preliminary Examination of Narcotics Seized From Room 403**

40. Officer Maciel-Diaz examined the Denver Police Crime Laboratory Presumptive Drug Screening Report, which indicated that the narcotics recovered in room #403, attributed to PLATT, tested as 0.207 grams of fentanyl, 0.290 grams of cocaine, and 3.766 grams of ethamphetamine. Forensic Scientist Karla Vasquez completed the examinations on July 12, 2021.

### **Firearm Function Test/Interstate Nexus**

41. On July 11, 2021, ATF SA Ryan McKone went to the DPD Evidence Unit to examine the firearms collected in this investigation. SA McKone met Officer Maciel-Diaz at the DPD Evidence Unit. She assisted SA McKone in the examination of the firearms. SA McKone examined all of the firearms booked in under DPD GO 2021-91416 and 2021-391900. SA McKone and Officer Maciel-Diaz examined, function tested, and photographed the following firearms.

- Anderson Manufacturing, model AM-15 multi caliber lower, s/n: 21184456
- Anderson Manufacturing, model AM-15 multi caliber lower, s/n: 21100345
- Anderson Manufacturing, model AM-15 multi caliber lower, s/n: 21193461
- Anderson Manufacturing, model AM-15 multi caliber lower, s/n: 21193454
- Springfield Armory, model Saint Edge 556 caliber pistol, s/n: SE80969
- Kimber, Custom TLE II .45 caliber pistol, s/n: K105215
- Bearman Ind, model 38, 38 special derringer, s/n:BT042215
- Anderson Manufacturing, model AM-15 300 Blackout rifle, s/n:21193478
- Glock GMBH, model 22, 40 caliber pistol, s/n: HUH556
- SWD, model M11/9, 9mm pistol, s/n: 89-0027407
- Taurus International MFG, model G2C, 9mm pistol, s/n: ACE897420
- Sig Sauer, model P938, 9mm pistol, s/n:52B02206
- Smith and Wesson, model 19, 357 caliber, s/n: ABN2082
- Colt, model 1911, .45 caliber pistol, s/n: 270331
- Kel Tec, model PF-9, 9 mm pistol lower, with a non serialized upper.

42. SA McKone function checked all of these firearms. SA McKone found that all of the firearms appear to function as designed and seem capable of expelling a projectile by means of explosion.

43. SA McKone also found that the Anderson Manufacturing AM-15, s/n: 211954461, Anderson Manufacturing, model AM-15 multi caliber lower, s/n: 21184456, and Anderson Manufacturing, model AM-15 multi caliber lower, s/n: 21193454 are all lowers affixed to short-barrel uppers, which renders the firearms as functional firearm. The rifle with serial number 211954461 had a barrel length of 13 inch and overall length of 31 inches, the short barrel rifle with s/n: 21193454 had a barrel length of 12 inches and an overall length of 30 inches, and the short barrel rifle with serial number 21184456 had a barrel length of 9 inches with an overall length of 24 inches. Your Affiant knows from training and experience and from other National Firearms Act (“NFA”) investigations, that a rifle having a barrel or barrels of less than 16 inches in length, must be register with NFA. This is clearly stated as a provision in the National Firearms Act.
44. SA McKone submitted a query to search NFA records to determine if any of the involved parties had registered the firearms as short-barrel rifles. The query came back negative for the three males associated with this case.

*Figure 3*



*Figure 4*



Figure 5



45. On July 12, 2021, SA Gregory Johnson spoke to ATF interstate-nexus expert SA Shane Abraham regarding the above listed firearms. SA Abraham told SA Johnson that in his training and experience, all of the above listed firearms affected or travelled in interstate or foreign commerce.

#### **Criminal Histories**

46. A review of R. RODRIGUEZ's criminal history revealed that he has multiple felony convictions. The criminal history review revealed that R. RODRIGUEZ had a warrant issued for him on July 27, 2017, in Toledo, Ohio for dangerous drugs. The warrant notice notes that R. RODRIGUEZ is armed and dangerous, has violent tendencies, and is known to abuse drugs. Investigators could not confirm whether the warrant was still active at the time of drafting this affidavit. The criminal history review revealed that another warrant was issued for R. RODRIGUEZ on May 14, 2021 in Boise, Idaho for a parole violation. Investigators were not able to confirm whether this warrant was still active at the time of writing this affidavit. R. RODRIGUEZ's previous felony convictions include:

- Washington Case Number 141033916 - Spokane County – (Felony) Criminal Mischief-Deadly Weapon, Enhancement Domestic Violence (2015)
- Idaho Case Number CR20050004 – 5<sup>th</sup> District Court, Gooding – (Felony) Forgery
- Idaho – 5th District Court, Gooding – (Felony) Controlled Subst possess/Del/Manuf (2003)
- Colorado Case Number 2001CR3116 – Jefferson County: (F6) Criminal Impersonation-gain A Benefit

47. A review of PLATT's criminal history reveals that he too has multiple felony convictions. The criminal history search revealed that PLATT had an outstanding warrant at the time of his July 9, 2021 arrest. Among other charges relating to the warrant, possession of a weapon by a previous offender was listed. Previous felony convictions include:

- Colorado Case Number 2016CR885 – Boulder County: (F5) Theft \$5,000-\$20,000
- Colorado Case Number 2016CR614 – Boulder County: (DF2) Controlled Sub-poss W/int.
- Colorado Case Number 2016CR614 – Boulder County: (F6) Weapon-poss/previous Offend
- Colorado Case Number 2016CR602 – Boulder County: (F5) Felony Menacing real/simulated Weapon
- Colorado Case Number 2010CR2135 – Jefferson County: (F3) Theft/receiving-fencing-over \$1,000
- Colorado Case Number 2010CR1131 – Jefferson County: (F4) Controlled Sub-possess Sch 2 over 1g
- Colorado Case Number 1998CR971 – Jefferson County: (F5) Robbery-att

48. A review of G. RODRIGUEZ’s criminal history revealed that he also has multiple felony convictions, including.

- Colorado Case Number 2020CR95 - Larimer County- (F3 Class 3 felony) Escape
- Colorado Case Number 2016CR161 - Boulder County- (DF4 Drug Felony Class 4) Controlled Subs-Contemporaneous Consump
- Colorado Case Number 2014CR1666 - Boulder County- (DF4 Drug Felony Class 4) Controlled Sub-poss Sch 1/2/fl/kc/ct

49. I declare under penalty of perjury that the foregoing is true and correct to the best of my information, knowledge, and belief.

s/ Gregory Johnson  
Gregory Johnson  
Special Agent, ATF

**Affidavit reviewed and submitted by Rajiv Mohan Assistant United States Attorney.**

Submitted, attested to, and acknowledged by reliable electronic means on July 14, 2021.



Hon. Scott T. Varholak  
United States Magistrate Judge

DEFENDANT: Gabriel Rodriguez

YOB: 1972

OFFENSE(S): Possession of a firearm or ammunition by a prohibited person,  
18 U.S.C. § 922(g)(1)

Possession with intent to distribute methamphetamine, 21 U.S.C.  
§ 841(a)(1) & (b)(1)(B)(viii)

LOCATION OF  
OFFENSE: Denver County, Colorado

PENALTY: 18 U.S.C. § 922(g)(1): NMT 10 years' imprisonment, NMT \$250,000  
fine, or both; NMT 3 years' supervised release; \$100 special assessment  
fee.

21 U.S.C. § 841(a)(1) & (b)(1)(B)(viii): NLT 5 years' imprisonment and  
NMT 40 years' imprisonment, NMT \$5,000,000 fine, or both; NLT 4  
years' supervised release; \$100 special assessment fee.

AGENT: Gregory Johnson  
Special Agent, ATF

AUTHORIZED  
BY: Rajiv Mohan  
Assistant U.S. Attorney

ESTIMATED TIME OF TRIAL:

X five days or less; \_\_\_ over five days

THE GOVERNMENT

X will seek detention in this case based on 18 U.S.C. § 3142(f)(1)

The statutory presumption of detention is applicable to this defendant