

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Criminal Case No. 21-cr-00247-DDD

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. GABRIEL RODRIGUEZ,
2. RICARDO RODRIGUEZ,
3. RICHARD PLATT,

Defendants.

INDICTMENT

The Grand Jury charges:

COUNT 1

On or about July 9, 2021, in the State and District of Colorado, the defendant, GABRIEL RODRIGUEZ, knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm and ammunition, in and affecting interstate and foreign commerce.

All in violation of Title 18, United States Code, Section 922(g)(1).

COUNT 2

On or about July 9, 2021, in the State and District of Colorado, the defendant, GABRIEL RODRIGUEZ, did knowingly and intentionally possess with intent to distribute 50 grams and more of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(B)(viii).

COUNT 3

On or about July 9, 2021, in the State and District of Colorado, the defendant, GABRIEL RODRIGUEZ, did knowingly possess a firearm in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, possession with intent to distribute a controlled substance, as charged in Count 2 of this Indictment.

All in violation of Title 18, United States Code, Section 924(c)(1)(A)(i).

COUNT 4

On or about July 9, 2021, in the State and District of Colorado, the defendant, RICARDO RODRIGUEZ, knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm and ammunition, in and affecting interstate and foreign commerce.

All in violation of Title 18, United States Code, Section 922(g)(1).

COUNT 5

On or about July 9, 2021, in the State and District of Colorado, the defendant, RICARDO RODRIGUEZ, knowingly received and possessed a firearm, to wit, a rifle having a barrel of less than 16 inches in length, as defined in 26 U.S.C. § 5845(a)(3) and 26 U.S.C. § 5845(c), which is not registered to him in the National Firearms Registration and Transfer Record.

All in violation of Title 26, United States Code, Section 5861(d).

COUNT 6

On or about July 9, 2021, in the State and District of Colorado, the defendant, RICHARD PLATT, knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm and ammunition, in and affecting interstate and foreign commerce.

All in violation of Title 18, United States Code, Section 922(g)(1).

FORFEITURE ALLEGATION

1. The allegations contained in Counts 1 through 6 of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to the provisions of Title 18, United States Code, Section 924(d), Title 21, United States Code, Section 853, Title 26, United States Code, Section 5872(a), and Title 28, United States Code, Section 2461(c).

2. Upon conviction of the violation(s) alleged in Counts 1, 3, 4, and 6 of the Indictment, the defendants, GABRIEL RODRIGUEZ, RICARDO RODRIGUEZ, and RICHARD PLATT, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), any firearm and ammunition involved in the commission of the offense, including but not limited to the following: (1) Anderson Manufacturing AM-15 with serial number 21184456; (2) Anderson Manufacturing AM-15 with serial number 21100345; (3) Anderson Manufacturing AM-15 with serial number 21193454; (4) Springfield Armory Saint Edge 556 caliber pistol with serial number SE80969; (5) Kimber Custom TLE II .45 caliber pistol with serial number K105216; (6) Bearman Ind. BBG .38 special derringer pistol with serial number BT042215; (7) Glock model 22 .40 caliber pistol with serial number

HUH556; (8) SWD M11/9 9mm pistol with serial number 89-0027407; (9) Sig Sauer model P938 9mm pistol with serial number 52B022206; (10) Smith and Wesson model 19 357 caliber revolver with serial number ABN 2082; (11) Colt model 1911 .45 caliber pistol with serial number 270331; (12) Ruger model SP101 .357 MAG revolver with serial number 571-84317; (13) Taurus International MFG model G2C 9mm pistol with serial number ACE897420; (14) Anderson Manufacturing AM-15 with serial number 21193461; (15) Anderson Manufacturing AM-15 with serial number 21193478; (16) Kel Tec PF-9 9mm pistol with obliterated serial number; and (17) the recovered ammunition.

3. Upon conviction of the violation(s) alleged in Count 2 of the Indictment, the defendant GABRIEL RODRIGUEZ shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all of the defendant's right, title, and interest in all property constituting and derived from any proceeds obtained directly and indirectly as a result of such offense, and in all property used, or intended to be used, in any manner or part, to commit, or to facilitate, the commission of such offense.

4. Upon conviction of the violation(s) alleged in Count 5 of the Indictment, the defendant, RICARDO RODRIGUEZ, shall forfeit to the United States pursuant to Title 26, United States Code, Section 5872(a) and Title 28, United States Code, Section 2461(c), any firearm involved in the commission of the offense.

5. If any of the property described in paragraphs 2 through 4 above, as a result of any act or omission of the defendant:

- a) cannot be located upon the exercise of due diligence;
- b) has been transferred or sold to, or deposited with, a third party;
- c) has been placed beyond the jurisdiction of the Court;
- d) has been substantially diminished in value; or
- e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of said defendant up to the value of the forfeitable property.

A TRUE BILL:

Ink signature on file in Clerk's Office
FOREPERSON

MATTHEW T. KIRSCH
Acting United States Attorney

By: s/Rajiv Mohan
Rajiv Mohan
Assistant U.S. Attorney
U.S. Attorney's Office
1801 California St., Ste. 1600
Denver, CO 80202
Telephone: 303-454-0100
Fax: 303-454-0406
E-mail: Rajiv.Mohan@usdoj.gov
Attorney for Government

DEFENDANT: GABRIEL RODRIGUEZ

YOB: 1972

COMPLAINT FILED? Yes No

If yes, enter magistrate case number: 21-mj-00123-STV

OFFENSE(S): Count 1: Possession of a Firearm and Ammunition by a Prohibited Person, 18 U.S.C. § 922(g)(1)

Count 2: Possession with Intent to Distribute Methamphetamine, 21 U.S.C. § 841(a)(1) & (b)(1)(B)(viii).

Count 3: Possession of a Firearm in Furtherance of a Drug Trafficking Crime, 18 U.S.C. § 924(c)(1)(A)(i).

LOCATION OF OFFENSE: Denver County, Colorado

PENALTY: Count 1: NMT 10 years' imprisonment, NMT \$250,000 fine, or both; NMT 3 years' supervised release; \$100 special assessment fee.

Count 2: 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.

Count 3: NLT 5 years' imprisonment to run consecutive to any other sentence and NMT life imprisonment, NMT \$250,000 fine, or both; NMT 3 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:

five days or less; over five days

THE GOVERNMENT

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.

DEFENDANT: RICARDO RODRIGUEZ

YOB: 1976

COMPLAINT
FILED? Yes No

If yes, enter magistrate case number: 21-mj-00124-STV

OFFENSE(S): Count 4: Possession of a Firearm and Ammunition by a Prohibited Person, 18 U.S.C. § 922(g)(1)

Count 5: Receipt or Possession of Unregistered Firearm, 26 U.S.C. § 5861(d)

LOCATION OF
OFFENSE: Denver County, Colorado

PENALTY: Count 4: NMT 10 years' imprisonment, NMT \$250,000 fine, or both; NMT 3 years' supervised release; \$100 special assessment fee.

Count 5: NMT 10 years' imprisonment, NMT \$10,000 fine, or both; NMT 3 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:

five days or less; over five days

THE GOVERNMENT

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

The statutory presumption of detention is not applicable to this defendant.

DEFENDANT: RICHARD PLATT

YOB: 1979

COMPLAINT
FILED? Yes No

If yes, enter magistrate case number: 21-mj-00125-STV

OFFENSE(S): Count 6: Possession of a Firearm and Ammunition by a Prohibited Person, 18 U.S.C. § 922(g)(1)

LOCATION OF
OFFENSE: Denver County, Colorado

PENALTY: Count 6: NMT 10 years' imprisonment, NMT \$250,000 fine, or both; NMT 3 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:

five days or less; over five days

THE GOVERNMENT

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

The statutory presumption of detention is not applicable to this defendant.