

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JORDAN ABE CHAVIRA,

Defendant,

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) **Case No: CR-12-135-F**
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FINDINGS AT SENTENCING

The prosecution, conviction and sentencing of the defendant, Jordan Abe Chavira, arises from his trip to a gun show in Oklahoma City, where Chavira, a member of the Southside Locos gang with multiple felony convictions, purchased a Glock .40 caliber semiautomatic pistol and an Intratec 9mm semiautomatic pistol for cash, in transactions which generated no paperwork and were, consequently, completely untraceable.



Illustration of a 9mm Intratec

The defendant, Jordan Abe Chavira, was sentenced on January 9, 2013. Chavira is a convicted felon and a member (perhaps now a former member) of the Southside Locos gang, a gang with a long history of violent criminal activity in Oklahoma City. Chavira was indicted by the grand jury for possession of a firearm after former conviction of a felony.

As is set forth below, Chavira purchased the guns in question at a gun show in Oklahoma City. Only because of alert and diligent action by gang enforcement officers with the Oklahoma City Police Department was Chavira apprehended before he had an opportunity to continue his criminal career with the guns he bought for cash, with no paperwork, at the gun show.

Under the United States Sentencing Guidelines, Chavira's guideline range of punishment was 37 to 46 months of incarceration. The court imposed a sentence of 46 months at the sentencing on January 9, 2013.

The imposition of this sentence is based, in part, on the following facts:

On March 18, 2012, OCPD gang enforcement officers were participating in a surveillance of the Oklahoma City gun show. Officers had received information that street gangs had begun to target the Oklahoma City gun show to purchase firearms without background checks.

At the gun show, officers observed Chavira purchase two firearms and ammunition for those firearms. Chavira's clothing and the tattoos of "X" and "3" on his forearms were indicative of gang membership. Officers recognized Chavira as a well documented Southside Loco gang member.

Officers observed Chavira walk over to a private vendor and purchase an Intratec 9 mm machine pistol with a high capacity magazine. Chavira paid cash for the gun. The transaction was completed without paperwork. Chavira had his friend hold the gun while he went to look at other guns. Chavira did not stay long at any booths that required paperwork.

Chavira went over to another booth and negotiated a price with a dealer for a Glock pistol. One of the officers heard Chavira say, “no paperwork right,” referring to an ATF form used for a background check in order to purchase a firearm. The dealer stated that paperwork was required because he was a federal firearms licensee. Chavira walked away and did not purchase any items from that dealer.

Chavira looked at Uzi’s and held a Tommy Gun, asking how much it cost. He then went to the ATM on two occasions, after which he bought a Glock pistol from another private vendor and paid cash. His purchase of the Glock required no paperwork. He did not get a receipt for the purchase. He and his friend subsequently walked to another vendor and purchased a box of ammunition. Chavira paid for the ammunition in cash without getting a receipt or completing any paperwork.

The sellers of these guns, having sold at a so-called “private sale” at the gun show, and having not been informed of Chavira’s felony record, broke no laws in selling these weapons to Chavira.

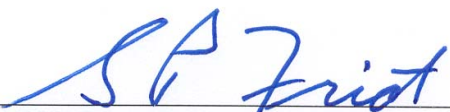
Chavira and his friend left the gun show in a vehicle driven by Chavira. Detectives observed Chavira and his friend handling the guns. It appeared to the detectives that they were attempting to load the weapons. Officers activated the emergency lights on their patrol car to stop the vehicle. Detectives observed Chavira’s friend holding the Glock pistol in his hand and putting it in the back seat when uniformed officers starting approaching Chavira’s vehicle.

Officers ordered Chavira to put his hands up. He complied. While officers spoke with Chavira, a distinct odor of fresh marijuana was emanating from the vehicle. Chavira admitted to officers he was a convicted felon.

A search of Chavira’s vehicle revealed a small plastic bag containing marijuana. The small plastic bag weighed 4.15 grams.

Officers also found a partially closed gun case in the center back seat of the vehicle. Three high capacity magazines, one box of 9 mm bullets with 40 rounds and one 9 mm handgun capable of handling a large capacity 32-round magazine (Intratec Model AB-10, semiautomatic) were discovered inside the gun case. The handgun still had the zip tie on it. A yellow plastic bag containing one .40 caliber Glock Model 22 semiautomatic handgun with a magazine inside it was also discovered. The handgun was not loaded but the zip tie was removed. Officers also located a plastic bag in the passenger door compartment of the vehicle containing six .22 caliber bullets. A cut zip tie that appeared to have been on the Glock was located in the vehicle's center console.

Dated January 9, 2013.


STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE