



Department of Justice

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Northern District of California

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**TWO SAN JOSE MEN CHARGED WITH ILLEGAL SALES OF FIREARMS, INCLUDING MACHINEGUN
AND SAWED OFF SHOTGUN,
OUT OF HOT DOG STAND**

Sales of Methamphetamine Also Alleged

SAN JOSE, Calif. – A federal grand jury in San Jose indicted Jose Gilberto Ortiz of San Jose, and Guillermo Gonzalez Castillo, of Los Angeles, with selling approximately 17 firearms, including a machine gun and a sawed off shot gun, to undercover officers of the San Jose Police Department, United States Attorney Melinda Haag announced. Castillo was also charged with two sales of methamphetamine to the same officers.

An affidavit filed by an agent of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) in connection with a criminal complaint filed in the same matter also alleges that Ortiz sold firearms to the undercover agents out of a mobile hot dog stand that he operates at Alum Rock Avenue and Foss Avenue in San Jose.

Specifically, the indictment charges:

- Two counts of violating 18 U.S.C. § 922(a)(1)(A) - Unlicensed Dealer Engaging in Business of Dealing in Firearms;
- Ten counts of violating 18 U.S.C. § 922(g)(1) - Felon in Possession of Firearms;

- One count of violating 8 U.S.C. § 1326 - Illegal Re-entry into the United States of an Alien Following a Previous Deportation;
- One count of violating 18 U.S.C. § 922(k) - Possession of Firearm with Altered Serial Number;
- One count of violating 18 U.S.C. § 922(o) - Possession and Transfer of a Machine Gun;
- One count of violating 26 U.S.C. § 5861(d) - Possession of a Short Barreled Shotgun Which is not Registered in the National Firearms Registration and Transfer Record;
- Seven counts of violating 18 U.S.C. § 922(g)(5)(A) - Possession of a Firearm by an Illegal Alien;
- Two counts of violating 21 U.S.C. § 841(a)(1) - Possession of 50 grams or more of Methamphetamine with Intent to Distribute; and

- Two counts of violating 18 U.S.C. § 924(c) - Possession of a Firearm in Furtherance of a Drug Trafficking Crime.

According to the indictment, Ortiz, 58, and Castillo, 23, are alleged to have sold the firearms and the methamphetamine to undercover officers over a four and one-half month period, from April 19, 2011, to Sept. 2, 2011. The indictment also alleges that Ortiz is a convicted felon, and Castillo is in the United States illegally, making it illegal for either one to possess firearms.

Both Ortiz and Castillo were arrested at Ortiz's hot dog stand on Sept. 2, 2011, shortly after Castillo allegedly made the second methamphetamine sale. Ortiz was released on bail, but Castillo was ordered detained. They were both arraigned today in front of United States Magistrate Judge Paul S. Grewal. The defendants' next scheduled appearance is at 1:30 p.m. on Nov. 21, 2011, before Judge Edward J. Davila

Gary G. Fry is the Assistant U.S. Attorney who is prosecuting the case with the assistance of Legal Technician Nina Burney. The prosecution is the result of a five month investigation by the San Jose Police Department and the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives.

Please note, an indictment contains only allegations against an individual and, as with all defendants, Mr. Ortiz and Mr. Castillo must be presumed innocent unless and until proven guilty.

Further Information:

Case #: CR 11-0748 EJD

A copy of this press release may be found on the U.S. Attorney's Office's website at www.usdoj.gov/usao/can.

Electronic court filings and further procedural and docket information are available at <https://ecf.cand.uscourts.gov/cgi-bin/login.pl>.

Judges' calendars with schedules for upcoming court hearings can be viewed on the court's website at www.cand.uscourts.gov.

All press inquiries to the U.S. Attorney's Office should be directed to Jack Gillund at (415) 436-6599 or by e-mail at Jack.Gillund@usdoj.gov.

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