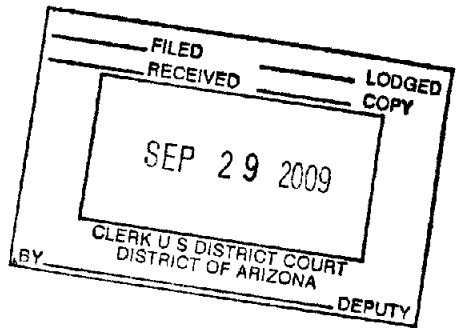


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**SEALED**

**UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA**

**UNITED STATES OF AMERICA,**  
  
Plaintiff,  
  
v.  
  
**GERARDO BENITO RAMIREZ,**  
  
Defendant.

**CR-0-09-1411-TUC-JMR(GEE)**  
**INFORMATION**  
**Violations:**  
**!8 U.S.C. 1111(a) & 1153(a)**  
**(First Degree Murder While Armed)**  
  
**18 U.S.C. 924(c)(1)(A)(ii), (iii)**  
**(Use of a Firearm During a Crime of**  
**Violence)**  
  
**Assault With the Intent to Commit**  
**(Murder While Armed)**

**THE UNITED STATES ATTORNEY CHARGES:**

**COUNT ONE**

**On or about January 1, 2007, in the District of Arizona, on the Pascua Yaqui Indian Reservation, in Indian Country, the defendant BENITO RAMIREZ, an Indian, with premeditation and malice aforethought, did deliberately and intentionally kill and murder Gabriel Frias, an Indian, while armed with a deadly and dangerous weapon, that is: a 12 gauge shotgun.**

**All in violation of Title 18, United States Code, Sections 1111(a) & 1153(a).**

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**COUNT TWO**

**On or about January 1, 2007, in the District of Arizona, on the Pascua Yaqui Indian Reservation, in Indian Country, GERARDO BENITO RAMIREZ, an Indian, during and in relation to a crime of violence, as charged in Count One, did use, discharge and carry a firearm, that is: a 12 gauge shotgun.**

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

**COUNT THREE**

**On or about January 1, 2007, in the District of Arizona, on the Pascua Yaqui Indian Reservation, in Indian Country, GERARDO BENITO RAMIREZ, an Indian, did assault Oscar Armenta, an Indian, with the intent to murder Oscar Armenta, while armed with a deadly and dangerous weapon, that is: a 12 gauge shotgun**

**All in violation of Title 18, United States Code, Sections 113(a)(1) & 1153(a).**

**COUNT FOUR**

**On or about January 1, 2007, in the District of Arizona, on the Pascua Yaqui Indian Reservation, in Indian Country, GERARDO BENITO RAMIREZ, an Indian, during and in relation to a crime of violence, as charged in Count Three, did use, brandish, and carry a firearm, that is: a 12 gauge shotgun.**

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

**COUNT FIVE**

**On or about January 1, 2007, in the District of Arizona, on the Pascua Yaqui Indian Reservation, in Indian Country, GERARDO BENITO RAMIREZ, an Indian, did assault David Robles, an Indian, with the intent to murder David Robles, while armed with a deadly and dangerous weapon, that is: a 12 gauge shotgun.**

**All in violation of Title 18, United States Code, Sections 113(a)(1) & 1153(a).**

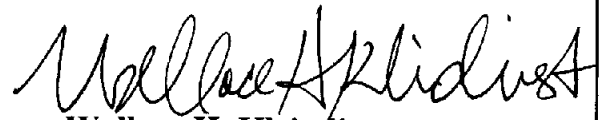
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**COUNT SIX**

**On or about January 1, 2007, in the District of Arizona, on the Pascua Yaqui Indian Reservation, in Indian Country, GERARDO BENITO RAMIREZ, an Indian, during and in relation to a crime of violence, as charged in Count Five, did use, discharge, and carry a firearm, that is: a 12 gauge shotgun.**

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

**DENNIS K. BURKE  
United States Attorney  
District of Arizona**

  
**Wallace H. Kleindienst  
Assistant U.S. Attorney**

ATTACHMENT A

AFFIDAVIT OF CRAIG ROOS


I, Craig Roos, being a Special Agent with the Federal Bureau of Investigation, do hereby swear and affirm under oath to the following facts.

1. At approximately 4:00 a.m., on January 1, 2007, Gabriel Frias, a member of the Pascua Yaqui Indian Tribe, was mortally wounded by one or more shotgun blasts fired at him at a very close range. He suffered shotgun wounds to his upper torso. He died from these wounds the same day. David Robles, who is a member of the Pascua Yaqui Indian Tribe, was with Frias at the moment of the discharge of the shotgun. He was in the line of fire, but was not struck by any of the pellets. The assailant who fired the shotgun pointed it at Oscar Armenta, who is also a member of the Pascua Yaqui Indian Tribe, at point blank range and pulled the trigger. The shotgun failed to discharge. The assailant then used the shotgun as a club and struck him in the head. Frias, Robles and Armenta had been pursuing vandals who had broken the windows and mirrors on a truck that parked outside a New Year's Eve party on Tarook Street on the Pascua Yaqui Indian Reservation located near Tucson, Arizona.

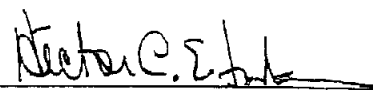
~~2. Gerardo Benito Ramirez, who was born on April 12, 1990, is also a member of the~~  
Pascua Yaqui Indian Tribe. On August 28, 2007, he made statements to a cooperating citizen about his involvement in the murder and assaults that took place on January 1, 2007. This conversation was recorded by law enforcement agents who had placed a wire on the citizen. They watched the citizen go into the house where Gerardo Ramirez was known to be at that time.

3. During that conversation, Ramirez admitted shooting Gabriel Frias and attempting to shoot Oscar Armenta with the shotgun. Ramirez made statements to the effect that he had acquired possession of a shotgun apparently to use against a person who had gotten into a fight with earlier that night. He was at a house on Tarook Street and heard the sound of glass breaking down the street. He saw the crowd running in his direction chasing one of the vandals. As the crowd ran towards Ramirez, he fired the shotgun at one of the individuals, who he did not know. When asked why he fired the shotgun at this person, Ramirez said: *First come, first served.* Ramirez also admitted pulling the trigger of the shotgun aimed at a second individual, because that individual was *looking at him*, but the shotgun was out of shells. Ramirez stated that he then hit the individual with the barrel of the shotgun.

4. This affidavit is based upon my conversations with law enforcement agents who have direct knowledge of the facts of the case and my review of the transcript of the August 28, 2007 recording.

  
Craig Roos

Subscribed and sworn to before me on this 15<sup>th</sup> day of July, 2009.

  
United States Magistrate Judge