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Southern District of California

FOR IMMEDIATE RELEASE

Friday, November 22, 2019

Former Sheriff's Captain Indicted for Gun Trafficking, Aiding Marijuana Distribution & Lying to Federal Agents

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NEWS RELEASE SUMMARY – November 22, 2019

SAN DIEGO – Former San Diego County Sheriff's Captain Marco Garmo was arrested this morning based on a federal grand jury indictment that charges him with operating an illegal firearms trafficking business – sometimes from his office at the Rancho San Diego Station with the help of others, including a fellow Sheriff's deputy.

The indictment also charges Sheriff's Department Lieutenant Fred Magana, prominent San Diego jeweler Leo Hamel, firearms dealer Giovanni Tilotta and El Cajon resident Waiel Anton with aiding and abetting Garmo's illegal firearms business.

In federal court this morning, Magana and Hamel entered guilty pleas before U.S. Magistrate Judge Bernard G. Skomal, admitting that they aided Garmo's business by engineering and engaging in straw purchases of firearms, creating false records to conceal those purchases, and offering to promote Garmo's weapons. Magana was granted a \$25,000 bond; Hamel a \$250,000 bond secured by a lien on a piece of property. They are scheduled to be sentenced February 21, 2020 at 8:30 a.m.

Anton was arrested early this morning and like Garmo is scheduled to be arraigned this afternoon at 2; Tilotta is currently at large.

According to the indictment, Garmo was a Sheriff's deputy for almost 27 years until September 20, 2019, serving as the captain in charge of the Rancho San Diego Station until the February 13, 2019 search warrants executed as part of this investigation. The indictment alleges that Garmo was engaged in the unlawful acquisition, transfer, and sale of firearms during his entire tenure as the Captain of the Rancho San Diego Station.

Garmo is also accused of tipping off his cousin, who was a partner in an illegal marijuana dispensary, based on information Garmo had received of an impending warrant search of the cousin's dispensary by Sheriff's Deputies.

The indictment describes Garmo's business of firearms dealing as undertaken for both financial profit and to cultivate future donors for his anticipated campaign for Sheriff of San Diego County. Most of Garmo's firearms transactions

involved the purchase and resale of “off roster” handguns, which designates guns that may be purchased by members of law enforcement but not members of the general public. While law enforcement officers are not prohibited from reselling “off roster” handguns in certain circumstances, Garmo received an explicit warning from the ATF that excessive resales for profit could violate federal law. Garmo acquired roughly 146 firearms between March 2013 and February 2019, per California’s firearms record database, and he sold or otherwise transferred 104 of them to others.

“This office will not tolerate public servants who abuse their positions of trust for personal gain,” said First Assistant U.S. Attorney Peter J. Mazza. “Law enforcement members who step outside of the law are subject to the same standards as everyone else in our community. No one deserves the fair application of the law more than all of the law-abiding men and women who wear the badge honorably to protect our communities.”

As part of his guilty plea, Leo Hamel, the owner of Leo Hamel Fine Jewelers, admitted to purchasing a variety of off roster handguns from Garmo, and engineered a series of “straw purchases” in which Garmo would falsely certify that he was acquiring an “off roster” gun for himself when in truth he was purchasing it for Hamel. Hamel further admitted that he acquired several firearms from Garmo without proper documentation through bogus, long-term firearm “loans” in exchange for money—which were sales in all but name. Hamel agreed in his plea to conducting straw purchases with Garmo and Lt. Fred Magana, and to planning with Garmo and Tilotta to construct a false paper trail to make it appear that the straw purchases were legitimate. As part of his guilty plea, Hamel has also agreed to forfeit over 200 firearms and 100,000 rounds of ammunition seized from him on February 13, 2019.

Tilotta, a Federal Firearms Licensee and the owner of Honey Badger Firearms, repeatedly facilitated Garmo’s straw purchase of firearms by accepting and submitting falsified firearms records, according to the indictment. The indictment further alleges that Tilotta sold and transferred firearms inside Garmo’s captain’s office at the Rancho San Diego Station, in violation of state and federal law.

Lt. Magana admitted in his plea agreement that he straw purchased a pair of off roster firearms for Leo Hamel at Garmo’s direction. Magana also admitted that he offered to advertise Garmo’s firearms to potential customers, but to keep Garmo’s name out of it until he found a buyer willing to close the deal.

Finally, according to the indictment, Anton aided and abetted Garmo’s unlicensed firearms dealing by helping Garmo’s firearms buyers apply for permits to carry a concealed weapon (“CCW”) as part of Anton’s “consulting” business. In exchange, the indictment alleges that Anton received cash payments from his clients and then paid a kickback to Garmo for referrals. The benefit of Anton’s “consulting” arrangement was to secure early appointments for his clients to avoid the substantial backlog of CCW applicants—a benefit that Anton provided by leveraging his relationship with a member of the CCW processing staff to whom he had made an unlawful cash payment.

Anton is also charged with obstruction of justice for repeatedly urging one of his “consulting” clients—in reality, an undercover agent—to lie to federal investigators following the search of Anton’s residence in February. Per the indictment, Anton exhorted the undercover agent not to tell investigators about the \$1,000 Anton had charged the undercover agent to fast-track his CCW appointment, and instead to lie and say that Anton was helping him with his application because they were friends.

Garmo is also charged with aiding and abetting the distribution of marijuana, and with using a telephone to further a drug crime. As the Captain of Rancho San Diego station, Garmo was responsible for policing unlicensed marijuana dispensaries operating in and around Spring Valley. One such dispensary was known as “Campo Greens.” The indictment alleges that Garmo provided an advance tip to the owners of Campo Greens—including Garmo’s cousin—when he was notified that it was scheduled to be searched within 24 hours. After receiving this tip, staff at Campo Greens emptied its shelves and removed its inventory and cash to avoid a law enforcement seizure.

According to the indictment, when Garmo was notified the following morning that the planned search had been cancelled, he again notified his family member. Campo Greens reopened later that day. Weeks later, when Campo Greens was posted with a cease-and-desist letter by San Diego County Code Compliance, Garmo again reached out to an acquaintance at the County. Asking about the scheduled enforcement action against Campo Greens, Garmo inquired

"Can we push it back?" His acquaintance replied, "Yes, you can."

Garmo lied to federal agents when interviewed about the tip-off, per the indictment, falsely claiming that he had never told a dispensary about an impending search warrant because he would never have put his deputies in harm's way.

Mazza praised the lead prosecutors on the case, Assistant U.S. Attorneys Nicholas Pilchak and Andrew Haden, as well as the investigators from the ATF and FBI. Mazza added that the U.S. Attorney's Office wishes to extend its sincerest gratitude to the San Diego County Sheriff's Department for initiating this investigation and for their assistance and support during its course.

"It is ATF's duty and obligation to conduct criminal investigations whenever presented with credible evidence of violations of federal firearms laws," said Bureau of Alcohol, Tobacco, Firearms and Explosives Los Angeles Field Division Special Agent in Charge Carlos A. Canino. "ATF's mission is to focus our efforts on firearms traffickers and trigger pullers. We will continue to pursue individuals engaged in this type of firearms trafficking activity while working with our law enforcement partners and the U.S. Attorney's Office to increase public safety."

"Law enforcement officers, at any level, who abuse their positions and the sacred trust placed in them by the communities they serve by aiding the criminal element will ultimately be brought to justice," said FBI Assistant Special Agent-In-Charge Todd Hemmen. "The FBI will continue to relentlessly work to detect, investigate, and prosecute those officers who place personal enrichment above their allegiance to the rule of law."

If you – or anyone you know – has information about the whereabouts of firearms listed in the attached bulletin that are registered to Garmo but have not been recovered by law enforcement, please call ATF at 858-966-1010.

DEFENDANT

Criminal Case No. 19-CR-4768-GPC

Morad Marco Garmo	Age: 52	La Mesa, CA
Leo Joseph Hamel	Age: 62	Jamul, CA
Giovanni Vincenzo Tilotta,	Age: 38	El Cajon, CA
Fred Magana	Age: 42	Chula Vista, CA
Waiel Yousif Anton	Age: 35	El Cajon, CA

SUMMARY OF CHARGES

Title 18, U.S.C., Sec. 922(a)(1)(A) – Engaging in the Business of Dealing in Firearms Without a License

Maximum Penalty: Five years in prison

Title 18, U.S.C., Sec. 922(a)(6) – False Statement in the Acquisition of a Firearm

Maximum Penalty: Ten years in prison

Title 18, U.S.C., Sec. 924(a)(1)(A) – False Statement in the Acquisition of a Firearm

Maximum Penalty: Five years in prison

Title 18, U.S.C., Sec. 922(b)(2) – Conducting Firearms Transaction in Violation of State Law

Maximum Penalty: Five years in prison

Title 26, U.S.C., Sec. 5861(d) – Possession of Unregistered Firearm

Maximum Penalty: Ten years in prison

Title 18, U.S.C., Sec. 1001(a)(2) – False Statement

Maximum Penalty: Five years in prison

Title 18, U.S.C., Sec. 1512(b)(3) – Attempted Obstruction of Justice

Maximum Penalty: Twenty years in prison

Title 21, U.S.C., Sec. 841 – Possession of Marijuana with Intent to Distribute

Maximum Penalty: Twenty years in prison

Title 21, U.S.C., Sec. 843(b) – Use of a Communications Facility to Further a Drug Crime

Maximum Penalty: Four years in prison

INVESTIGATING AGENCIES

Bureau of Alcohol Tobacco Firearms & Explosives (ATF)

Federal Bureau of Investigation (FBI)

*The charges and allegations contained in an indictment are merely accusations. The defendants are considered innocent unless and until proven guilty.

Topic(s):

Firearms Offenses

Component(s):

USAO - California, Southern

Press Release Number:

CAS19-1122-Garmo

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