

UNITED STATES DISTRICT COURT

for the Eastern District of Louisiana

United States of America

v.

Elias Guevara

Case No. 10-126 MAG

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 2010 in the Parish of Orleans in the Eastern District of Louisiana, the defendant(s) violated:

Code Section Title 18, United States Code, Section 922(g)(5)

Offense Description Illegal Alien in Possession of a Firearm

This criminal complaint is based on these facts:

See attached Affidavit

Continued on the attached sheet.

Miguel A. Valle Complainant's signature

Miguel A. Valle, ATF Special Agent Printed name and title

Sworn to before me and signed in my presence.

Date: 10/22/2010

Alma L. Chasez Judge's signature

City and state: New Orleans, Louisiana

Honorable Alma L. Chasez, U.S. Magistrate Judge Printed name and title

AFFIDAVIT

I, Miguel A. Valle, being duly sworn, do hereby depose and state:

1. I am a Special Agent with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, (ATF), and have been so employed since June 4, 2001. I am currently assigned to the New Orleans I Field Office. I investigate, among other violations of Federal law, violations of the Federal firearms laws as found in the Gun Control Act of 1968 (GCA) and Title 18 of the United States Code. I am authorized to execute Federal search, seizure, and arrest warrants. I have testified in both Federal and State courts on numerous occasions concerning violations of Federal and State laws and regulations.
2. As a result of my training, general knowledge, and experience as a Special Agent for ATF, I am familiar with the Federal firearms laws, and know that it is illegal for a person who is illegally or unlawfully in the United States to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.
3. On March 17, 2010, Special Agents with the U.S. Department of Homeland Security (DHS), Homeland Security Investigations (HSI) and Officers with Customs and Border Protection (CBP) inspected a vessel container destined for export to the country of Honduras from the Port of New Orleans. The exporter and forwarding agent of the container was listed as Servicios Hondurenos located in Kenner, Louisiana. Several firearms and ammunition were recovered and seized from various boxes of cargo within the container. The seized items were co-mingled and concealed within boxes of used clothing and household goods. The seized firearms include, but were not limited to, a Remington, model 514, .22 caliber rifle. This firearm was found inside cargo box 1219 hidden inside the pant leg of a pair of blue jean pants.
4. Pursuant to an export enforcement subpoena served upon Servicios Hondurenos, HSI Special Agent Toni Zavala learned that cargo box 1219 was shipped by Elias Guevara, 3008 Bienville Street, New Orleans, Louisiana.

5. On October 20, 2010, Elias Guevara, a native and citizen of Honduras, was located and apprehended for being an alien illegally present in the United States without being admitted or paroled pursuant to Section 212 (a)(6)(A)(i) of the Immigration and Nationality Act. Guevara was subsequently interviewed by Special Agents from HSI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). Guevara stated during the interview that he found and maintained possession of the rifle approximately one month prior to packaging the rifle himself in the box destined for delivery to Honduras. Guevara admitted that he knew it was illegal for him to possess a firearm in the United States and did not declare it to the shipping company because he knew they would not ship the rifle to Honduras.
6. Initial examination of the rifle indicates it was manufactured outside the state of Louisiana by Remington Arms Company, Inc. in Ilion, New York. For this firearm to be found inside the state of Louisiana it would have had to travel in and thereby affect interstate commerce.
7. Based on the aforementioned facts, I believe probable cause exists that Elias Guevara is illegally or unlawfully in the United States and did possess a firearm that has previously traveled in interstate commerce, all in violation of Title 18, United States Code, Section 922(g)(5).

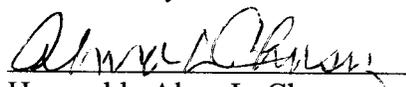
I hereby swear that the information contained in this Affidavit is true and correct to the best of my knowledge.



Miguel A. Valle, Special Agent
Bureau of Alcohol, Tobacco, Firearms and

Explosives

Subscribed to and sworn before me
this 22nd day of October 2010.



Honorable Alma L. Chasez
United States Magistrate Judge