

# UNITED STATES DISTRICT COURT

for the  
Eastern District of Louisiana

United States of America

v.

Rubin Edgardo Hernandez-Madrid

*Defendant(s)*

Case No. 10-127 MAG

## 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 24, 2010 in the Parish of Jefferson in the  
Eastern District of Louisiana, the defendant(s) violated:

*Code Section*

Title 18, United States Code, Section 554

*Offense Description*

Smuggling Goods from the United States

This criminal complaint is based on these facts:

See attached Affidavit

☒ Continued on the attached sheet.



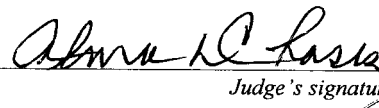
*Complainant's signature*

Toni D. Zavala, ICE Senior Special Agent

*Printed name and title*

Sworn to before me and signed in my presence.

Date: 10/22/2010



*Judge's signature*

City and state: New Orleans, Louisiana

Honorable Alma L. Chasez, U.S. Magistrate Judge

*Printed name and title*

## **AFFIDAVIT**

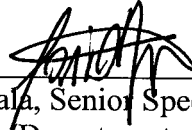
I, Toni D. Zavala, being duly sworn, do hereby depose and state:

1. That I am employed as a Special Agent with the U.S. Department of Homeland Security (DHS), Homeland Security Investigations (HSI). I am assigned to the Office of the Special Agent in Charge in New Orleans, Louisiana. I have been employed as a Special Agent since June of 2004 and more particularly as an HSI Special Agent for approximately 3.5 years. I received approximately 22 weeks of training at the Federal Law Enforcement Training Center (FLETC) and an additional two weeks of specialized training in counter-proliferation/export investigations.
2. Based on my training, experience, and participation in this investigation and from having talked extensively with other experienced HSI Special Agents, I am familiar with the federal exportation and smuggling laws and know that it is illegal to fraudulently or knowingly export or send from the United States, or attempt to export or send from the United States, any merchandise, article, or object contrary to any law or regulation of the United States, or receive, conceal, buy, sell, or in any manner facilitate the transportation, concealment, or sale of such merchandise, article or object, prior to exportation, knowing the same to be intended for exportation contrary to any law or regulation of the United States.
3. On March 24, 2010, a vessel container destined for export to the country of Honduras was physically examined at the Port of New Orleans by Customs and Border Protection (CBP) Officers and HSI Special Agents. The exporter and forwarding agent of the container was listed as Dip Shipping Company, 2601 Marietta Street, Suite A, Kenner, LA, 70062. Several firearms, miscellaneous firearms parts, and boxes of ammunition were discovered 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 following items were found within cargo box 201485: two (2) pistol magazines that were concealed in foil and a pistol slide and barrel that were concealed within a tube of multi-purpose grease. The package receipt for box 201485 did not list any of these items as being contained in the package.
4. Pursuant to an export enforcement subpoena served upon Dip Shipping Company in addition to other information, I learned that cargo box 201485 was shipped by Rubin Edgardo Hernandez, 21301 Maryetta Road, Bush, LA, 70431, (985) 778-9026.
5. On October 20, 2010, Rubin Edgardo Hernandez-Madrid, 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. Hernandez-Madrid was subsequently interviewed by ATF and HSI Special Agents. During the interview, Hernandez-Madrid acknowledged that he obtained possession of a pistol in or around February of 2010 and disassembled it into several parts. Hernandez-

Madrid stated that he knew it was illegal for him to possess this firearm because he was illegally present in the United States. Hernandez-Madrid admitted to attempting to export the barrel, slide, and two magazines by concealing the parts in foil and a tube of grease and then comingling them within a box of household goods destined for export to Honduras. Hernandez-Madrid stated that he did not declare to the shipping company nor acknowledge on the package receipt that his package contained the pistol parts because he knew the shipping company would not ship his package because it was illegal.

6. Pursuant to 22 USC § 2778, items designated on the United States Munitions List (USML) may not be exported from the United States without a license. Pistol magazines and barrels are listed in Category I(h) of the USML and thereby require a license to be exported. A license to export an item on the United States Munitions List may not be issued to a foreign person (other than a foreign government). Hernandez-Madrid is a foreign national of Honduras.
7. Based on the aforementioned information, I believe probable cause exists that Rubin Edgardo Hernandez-Madrid did fraudulently or knowingly attempt to export or send from the United States, any merchandise, article, or object contrary to any law or regulation of the United States, or receive, conceal, buy, sell, or in any manner facilitate the transportation, concealment, or sale of such merchandise, article or object, prior to exportation, knowing the same to be intended for exportation contrary to any law or regulation of the United States, in violation of 18 USC §554.

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



Toni D. Zavala, Senior Special Agent  
United States Department of Homeland Security  
Homeland Security Investigations

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



Honorable Alma L. Chase  
United States Magistrate Judge