

FILED
At Albuquerque NM

AUG 25 2009

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

MATTHEW J. DYKMAN
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

VICTOR VILLALOBOS,

Defendant.

CRIMINAL NO. 09-2434 WJ

Count 1: 18 U.S.C. §§ 922(g)(1)
and 924(a)(2): Felon in
Possession of a Firearm and
Ammunition;

Count 2: 18 U.S.C. §§ 922(g)(1)
and 924(a)(2): Felon in
Possession of Firearms and
Ammunition; and

Count 3: 18 U.S.C. §§ 922(k)
and 924(a)(1)(B): Possession of
Firearms with Obliterated Serial
Numbers.

INDICTMENT

The Grand Jury charges:

Count 1

On or about July 24, 2009, in Bernalillo County, in the District of New Mexico, the defendant, **VICTOR VILLALOBOS**, a person who had been convicted in the First Judicial District Court, New Mexico, of aggravated battery with a deadly weapon in SF 97-197 (CR), and in the Eleventh Judicial District Court, New Mexico, of escape from jail in CR-675-3, tampering with evidence in CR-94-297-2, forgery in CR-2004-0984-4, and forgery and receiving or transferring a stolen motor vehicle in CR-2004-0991-4, and armed robbery in CR-94-363-2, felony crimes punishable by imprisonment for a term exceeding one year, did knowingly possess, in and affecting commerce, a firearm, a Winchester, model 1300

Defender, 12 gauge shotgun, and ammunition, approximately one hundred .45 Colt caliber cartridge ammunition, approximately five Federal 12 gauge cartridge ammunition, approximately fifty Federal .22 LR caliber ammunition, approximately twenty-six Winchester-Western .45/70 caliber cartridge ammunition, approximately one thousand Winchester .22 LR caliber cartridge ammunition, and approximately six 12 gauge Federal cartridge ammunition.

In violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

Count 2

On or about July 24, 2009, in Bernalillo County, in the District of New Mexico, the defendant, **VICTOR VILLALOBOS**, a person who had been convicted in the First Judicial District Court, New Mexico, of aggravated battery with a deadly weapon in SF 97-197 (CR), and in the Eleventh Judicial District Court, New Mexico, of escape from jail in CR-675-3, tampering with evidence in CR-94-297-2, forgery in CR-2004-0984-4, and forgery and receiving or transferring a stolen motor vehicle in CR-2004-0991-4, and armed robbery in CR-94-363-2, felony crimes punishable by imprisonment for a term exceeding one year, did knowingly possess, in and affecting commerce, firearms, a Mannlicher-Carcano, model 1934 XII, 6.5 x 52mm caliber rifle; a Westernfield, model M-730, .30-06 caliber rifle; a Westernfield, model M 72, .30-30 caliber rifle; a Norinco, model L 213, 9 x 19mm caliber pistol; a Calwestco, model J-22, .22 LR caliber pistol; a Henry Repeating Arms, model Lever Action Golden Boy, .22 LR caliber rifle; a Henry Repeating Arms, model Lever Action Golden Boy, .22 LR caliber rifle; and a Talon, model 101, .22 LR caliber derringer; and ammunition, approximately forty-nine CCI .22 LR caliber cartridge ammunition, approximately sixteen Winchester .22 LR caliber cartridge ammunition, approximately sixteen PMC 9mm caliber cartridge ammunition, and approximately eleven Federal .22 LR caliber cartridge ammunition.

In violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

Count 3

On or about July 24, 2009, in Bernalillo County, in the District of New Mexico, the defendant, **VICTOR VILLALOBOS**, knowingly possessed firearms, a Mannlicher-Carcano, model 1934 XII, 6.5 x 52mm caliber rifle; a Westernfield, model M-730, .30-06 caliber rifle; a Westernfield, model M 72, .30-30 caliber rifle; a Norinco, model L 213, 9 x 19mm caliber pistol; a Winchester, model 1300 Defender, 12 gauge shotgun; a Calwestco, model J-22, .22 LR caliber pistol; a Henry Repeating Arms, model Lever Action Golden Boy, .22 LR caliber rifle; a Henry Repeating Arms, model Lever Action Golden Boy, .22 LR caliber rifle; and a Talon, model 101, .22 LR caliber derringer, in and affecting commerce, from which the manufacturers' serial numbers had been removed, altered and obliterated.

In violation of 18 U.S.C. §§ 922(k) and 924(a)(1)(B).

FORFEITURE ALLEGATIONS

Upon conviction of any of the offenses alleged in this Indictment, the defendant, **VICTOR VILLALOBOS**, shall forfeit to the United States pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c):

- A. a Mannlicher-Carcano, model 1934 XII, 6.5 x 52mm caliber rifle, serial number obliterated;
- B. a Westernfield, model M-730, .30-06 caliber rifle, serial number obliterated;
- C. a Westernfield, model M 72, .30-06 caliber rifle, serial number obliterated;
- D. a Norinco, model L 213, 9 x 19mm caliber pistol, serial number obliterated;

- E. a Winchester, model 1300 Defender, 12 gauge shotgun, serial number obliterated;
- F. a Calwestco, model J-22, .22 LR caliber pistol, serial number obliterated;
- G. a Henry Repeating Arms, model Lever Action Golden Boy, .22 LR caliber rifle, serial number obliterated
- H. a Henry Repeating Arms, model Lever Action Golden Boy, .22 LR caliber rifle, serial number obliterated;
- I. a Talon, model 101, .22 LR caliber derringer, serial number obliterated;
- J. approximately forty-nine CCI .22 LR caliber cartridge ammunition;
- K. approximately sixteen Winchester .22 LR caliber cartridge ammunition;
- L. approximately sixteen PMC 9 mm caliber cartridge ammunition;
- M. approximately eleven Federal .22 LR caliber cartridge ammunition;
- N. approximately one hundred .45 Colt caliber cartridge ammunition;
- O. approximately five Federal 12 gauge cartridge ammunition;
- P. approximately fifty Federal .22 LR caliber ammunition;
- Q. approximately twenty-six Winchester-Western .45/70 caliber cartridge ammunition;
- R. approximately one thousand Winchester .22 LR caliber cartridge ammunition; and

