

FILED
At Albuquerque NM

AUG 25 2010

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSE AGUSTIN VILLAGOMEZ-SAUCEDO,

Defendant.

MATTHEW J. DYKMAN
CLERK

CRIMINAL NO. 10-CR-1559 BB

Count 1: 8 U.S.C. §§ 1326(a) and
(b): Re-entry of a Removed Alien.

Count 2: 18 U.S.C. § 922(g)(5)(A)
and 924(a)(2): Illegal Alien in
Possession of a Firearm and
Ammunition.

Count 3: 18 U.S.C. § 922(g)(1) and
924(a)(2): Felon in Possession of a
Firearm and Ammunition.

SUPERSEDING INDICTMENT

The United States Attorney charges:

Count 1

On or about April 28, 2010, the Defendant, **JOSE AGUSTIN VILLAGOMEZ-SAUCEDO**, an alien, was found in Torrance County, in the District of New Mexico, contrary to law in that on or about September 1, 1999, the Defendant had been deported, excluded, and removed, and departed the United States while an Order of Exclusion, Deportation, and Removal was outstanding, and the Defendant had not obtained the express consent of the Secretary for Homeland Security to reapply for admission into the United States.

In violation of 8 U.S.C. §§ 1326(a) and 1326(b).

Count 2

On or about April 28, 2010, in Torrance County, in the District of New Mexico, the defendant, **JOSE AGUSTIN VILLAGOMEZ-SAUCEDO**, then being an alien who was illegally present in the United States, did knowingly possess, in and affecting commerce, a firearm, that being a Glock, model 17, 9 mm caliber pistol, serial number NUN526, and ammunition, that being seventeen (17) Winchester 9 mm Luger caliber cartridges.

In violation of 18 U.S.C. §§ 922(g)(5) and 924(a)(2).

Count 3

On or about April 28, 2010, in Torrance County, in the District of New Mexico, the defendant, **JOSE AGUSTIN VILLAGOMEZ-SAUCEDO**, then being a person who had been convicted in the Riverside Superior Court in the State of California, in case number RIF083930, of Force/Assault with a Deadly Weapon Not Firearm, a felony crime punishable by imprisonment for a term exceeding one year, did knowingly possess, in and affecting commerce, a firearm, that being a Glock, model 17, 9 mm caliber pistol, serial number NUN526, and ammunition, that being seventeen (17) Winchester 9 mm Luger caliber cartridges.

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

TRUE BILL:

/s/

FOREPERSON OF THE GRAND JURY


Assistant United States Attorney
[month and year]