

Presented to the Court by the foreman of the Grand Jury in open Court, in the presence of the Grand Jury and FILED in the U.S. DISTRICT COURT at Seattle, Washington.

June 21, 2023
By [Signature] Ravi Subramanian, Clerk
Deputy

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff

NO. **CR 23 - 103 RAJ**
INDICTMENT

v.

JOHNY MIXAYBOUA,
Defendant.

The Grand Jury charges that:

COUNT 1

(Theft of Government Property)

On or about January 17, 2023, in King County, within the Western District of Washington, JOHNY MIXAYBOUA willfully and knowingly did steal and purloin a USPS Long Life Vehicle (LLV), of a value exceeding \$1,000, of the goods and property of the United States.

All in violation of Title 18, United States Code, Section 641.

COUNT 8

(Unlawful Possession of a Firearm)

On or about May 24, 2023, in King County, within the Western District of Washington, JOHNY MIXAYBOUA, knowing he had been convicted of the following crimes punishable by a term of imprisonment exceeding one year:

- i. Three Counts of *Possession of a Stolen Vehicle*, Three Counts of *Attempt to Elude a Police Officer*, and one Count of *Theft of a Motor Vehicle*, in King County Superior Court, Washington, under cause number 18-1-02875-9, on or about December 7, 2018;
- ii. *Theft of a Motor Vehicle*, in King County Superior Court, Washington, under cause number 16-1-06331-1, on or about March 24, 2017;
- iii. *Possession of a Stolen Vehicle and Bail Jumping*, in King County Superior Court, Washington, under cause number 16-1-02970-8, on or about March 24, 2017;
- iv. *Taking a Motor Vehicle Without Permission in the Second Degree*, in King County Superior Court, Washington, under cause number 14-1-06434-5, on or about January 27, 2015;
- v. *Taking a Motor Vehicle Without Permission in the Second Degree*, in King County Superior Court, Washington, under cause number 14-1-04651-7, on or about January 27, 2015;
- vi. *Taking a Motor Vehicle Without Permission in the Second Degree*, in King County Superior Court, Washington, under cause number 14-1-03638-4, on or about January 27, 2015;
- vii. *Taking a Motor Vehicle Without Permission in the Second Degree*, in King County Superior Court, Washington, under cause number 14-1-04763-7, on or about January 27, 2015;
- viii. *Taking a Motor Vehicle Without Permission in the Second Degree*, in King County Superior Court, Washington, under cause number 14-1-04442-5, on or about January 27, 2015;

1 did knowingly possess, in and affecting interstate and foreign commerce, a firearm, that
2 is: a Polymer-80 9mm caliber handgun, that had been shipped and transported in
3 interstate and foreign commerce.

4 All in violation of Title 18, United States Code, Section 922(g)(1).

5 **COUNT 9**

6 **(Unlawful Possession of Ammunition)**

7 On or about May 24, 2023, in King County, within the Western District of
8 Washington, JOHNY MIXAYBOUA, knowing he had been convicted of the following
9 crimes punishable by a term of imprisonment exceeding one year:

- 10
- 11 i. Three Counts of *Possession of a Stolen Vehicle*, Three Counts
12 of *Attempt to Elude a Police Officer*, and one Count of *Theft*
13 of *a Motor Vehicle*, in King County Superior Court,
14 Washington, under cause number 18-1-02875-9, on or about
15 December 7, 2018;
- 16
- 17 ii. *Theft of a Motor Vehicle*, in King County Superior Court,
18 Washington, under cause number 16-1-06331-1, on or about March
19 24, 2017;
- 20
- 21 iii. *Possession of a Stolen Vehicle* and *Bail Jumping*, in King County
22 Superior Court, Washington, under cause number 16-1-02970-8, on
23 or about March 24, 2017;
- 24
- 25 iv. *Taking a Motor Vehicle Without Permission in the Second Degree*,
26 in King County Superior Court, Washington, under cause number
27 14-1-06434-5, on or about January 27, 2015;
- v. *Taking a Motor Vehicle Without Permission in the Second Degree*,
in King County Superior Court, Washington, under cause number
14-1-04651-7, on or about January 27, 2015;
- vi. *Taking a Motor Vehicle Without Permission in the Second Degree*,
in King County Superior Court, Washington, under cause number
14-1-03638-4, on or about January 27, 2015;

1 vii. *Taking a Motor Vehicle Without Permission in the Second Degree,*
2 in King County Superior Court, Washington, under cause number
3 14-1-04763-7, on or about January 27, 2015;

4 viii. *Taking a Motor Vehicle Without Permission in the Second Degree,*
5 in King County Superior Court, Washington, under cause number
6 14-1-04442-5, on or about January 27, 2015;

7 did knowingly possess, in and affecting interstate and foreign commerce, ammunition,
8 that is: approximately sixty rounds of 9mm caliber ammunition, that had been shipped
9 and transported in interstate and foreign commerce.

10 All in violation of Title 18, United States Code, Section 922(g)(1).

11 **FORFEITURE ALLEGATION**

12 The allegations contained in Counts 5-9 of this Indictment are hereby realleged
13 and incorporated by reference for the purpose of alleging forfeiture.

14 Upon conviction of either of the offenses alleged in Counts 5 and 6, JOHNY
15 MIXAYBOUA shall forfeit to the United States, pursuant to Title 18, United States
16 Code, Section 981(a)(1)(C), by way of Title 28, United States Code, Section 2461(c), any
17 property which constitutes or is derived from proceeds traceable to the offense, including
18 but not limited to a sum of money reflecting the proceeds the Defendant obtained as a
19 result of the offense.

20 Upon conviction of the offense alleged in Count 7, JOHNY MIXAYBOUA shall
21 forfeit to the United States, pursuant to Title 18, United States Code, Section
22 981(a)(2)(B) and Title 18, United States Code, Section 1029(c)(1), any property which
23 constitutes or is derived from proceeds traceable to the offense and any property used or
24 intended to be used to commit the offense, including but not limited to, a sum of money
25 reflecting the proceeds the Defendant obtained as a result of the offense.

26 Upon conviction of the offense alleged in Counts 8 and 9, JOHNY MIXAYBOUA
27 shall forfeit to the United States, pursuant to Title 18, United States Code, Section

1 924(d)(1), by way of Title 28, United States Code, Section 2461(c), any firearms and
2 ammunition that were involved in the offense, including but not limited to:

3 a. A Polymer-80 9mm caliber handgun, approximately 60 rounds of 9mm
4 ammunition, and any other associated ammunition, seized on or about May
5 24, 2023, from the person of JOHNY MIXAYBOUA.

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1 **Substitute Assets.** If any of the above-described forfeitable property, as a result of
2 any act or omission of the defendant,

- 3 a. cannot be located upon the exercise of due diligence;
- 4 b. has been transferred or sold to, or deposited with, a third party;
- 5 c. has been placed beyond the jurisdiction of the Court;
- 6 d. has been substantially diminished in value; or,
- 7 e. has been commingled with other property which cannot be divided
8 without difficulty,

9 it is the intent of the United States to seek the forfeiture of any other property of the
10 defendant, up to the value of the above-described forfeitable property, pursuant to
11 Title 21, United States Code, Section 853(p).

12
13 A TRUE BILL:

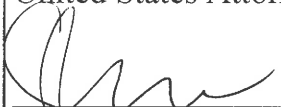
14 DATED: 6/21/23

15 *Signature of Foreperson redacted pursuant*
16 *to the policy of the Judicial Conference of*
17 *the United States.*

18 _____
19 FOREPERSON

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19 _____
20 NICHOLAS W. BROWN
21 United States Attorney

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22 _____
23 AMY JAQUETTE
24 Assistant United States Attorney

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25 _____
26 ELYNE VAUGHT
27 Assistant United States Attorney