

UNITED STATES COURTS
SOUTHERN DISTRICT OF TEXAS
FILED

NOV 01 2007

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PER ORDER
of the United States District Court

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

HOUSTON DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

- v. -

ALI HOZHABRI,

Defendant.

Criminal No. **H 07 452**

UNDER SEAL

Violations

31 U.S.C. § 5332(a)(1) (Bulk Cash
Smuggling)

31 U.S.C. § 5316(a)(1)(A), 5316(b)
(Failure to File Report Regarding
Monetary Instrument)

INDICTMENT

The Grand Jury charges that:

COUNTS ONE THROUGH THREE

Bulk Cash Smuggling
(31 U.S.C. § 5332(a)(1))

1. On or about the dates set forth below, in the Southern District of Texas, and elsewhere, the defendant,

ALI HOZHABRI

knowingly concealed, with the intent to evade a currency reporting requirement under Title 31, United States Code, Section 5316, specifically FinCEN Form 105,

also known as Customs Form 4790 (Report of International Transportation of Currency or Monetary Instruments), more than \$10,000 in United States currency, on his person and in his luggage, merchandise and other containers, and attempted to transport this currency from a place inside the United States to a place outside the United States, as described below:

COUNT	ON OR ABOUT WHICH DATE	APPROXIMATE AMOUNT OF CASH	FROM	TO
1	11/4/2002	\$20,336	Houston, Texas	Brazil
2	4/9/2003	\$40,000	Houston, Texas	The United Arab Emirates
3	9/15/2003	\$30,000	Houston, Texas	Brazil

All in violation of Title 31, United States Code, Section 5332(a)(1) and Title 18, United States Code, Section 2.

COUNTS FOUR THROUGH SIX**Failure to File Reports Regarding Monetary Instruments****(31 U.S.C. §§ 5316(a)(1)(A), 5316(b), and 5322)**

2. On or about the dates set forth below, in the Southern District of Texas, and elsewhere, the defendant,

ALI HOZHABRI

knowingly and willfully failed to file a report as required by and described in Title 31, United States Code, Section 5316(b), specifically FinCEN Form 105, also known as Customs Form 4790 (Report of International Transportation of Currency or Monetary Instruments), when in fact he was knowingly transporting, and about to transport, monetary instruments of more than \$10,000 at one time in United States currency, from a place inside the United States to a place outside the United States, as described below:

COUNT	ON OR ABOUT WHICH DATE	APPROXIMATE AMOUNT OF CASH	FROM	TO
4	11/4/2002	\$20,336	Houston, Texas	Brazil
5	4/9/2003	\$40,000	Houston, Texas	The United Arab Emirates
6	9/15/2003	\$30,000	Houston, Texas	Brazil

All in violation of Title 31, United States Code, Sections 5316(a)(1)(A), 5316(b), 5322 and Title 18, United States Code, Section 2.

FORFEITURE ALLEGATION
(18 U.S.C. § 2461 and 31 U.S.C. §§ 5317(c)(1) and 5332(b)(2))

3. Pursuant to Title 18, United States Code, Section 2461 and Title 31, United States Code, Sections 5317(c)(1) and 5332(b)(2), upon conviction of the defendant **ALI HOZHABRI** for one or more of the offenses charged in Counts One through Six of this Indictment, the defendant shall forfeit to the United States any property, real or personal, which was involved in the bulk cash smuggling or failure to file reports regarding monetary instruments offenses and all property traceable to such property, including but not limited to the following:

a. A sum of money equal to \$90,336 in United States currency, in that such sum in aggregate is property which was involved in the offenses charged in Counts One through Six or is traceable to such property, for which the defendant is jointly and severally liable.

Substitute Assets Provision

4. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (i) cannot be located upon the exercise of due diligence;
- (ii) has been transferred or sold to, or deposited with, a third party;
- (iii) has been placed beyond the jurisdiction of the court;

(iv) has been substantially diminished in value; or

(v) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 31, United States Code, Sections 5317(c)(1) and 5332(c), to seek forfeiture of any other property of said defendant up to the value of the forfeitable property described above, including but not limited to the following:

(i) Any and all right, title, and interest in the funds located in Washington Mutual Bank Account No. 394-013218-1;

(iii) Any and all right, title, and interest in the funds located in Washington Mutual Bank Account No. 696-019317-5; and

(iv) Any and all right, title, and interest in the funds escheated to the state from any monetary instrument issued by Washington Mutual Bank from Account No. 394-013218-1 or Washington Mutual Bank Account No. 696-019317-5.

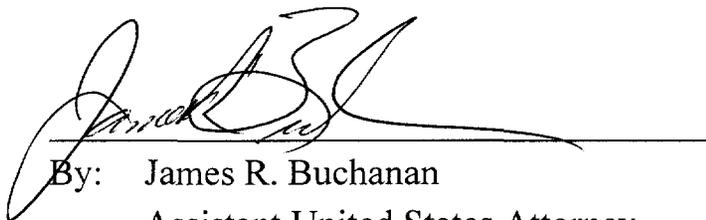
All in violation of Title 18, United States Code, Section 2461 and Title 31, United States Code, Sections 5317(c)(1) and 5332(b)(2).

A TRUE BILL

Original Signature on File

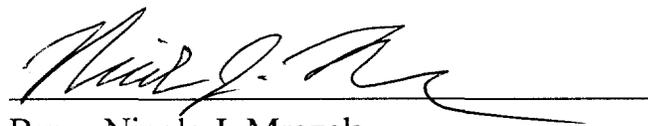
FOREPERSON

DONALD J. DeGABRIELLE, Jr.
UNITED STATES ATTORNEY



By: James R. Buchanan
Assistant United States Attorney

STEVEN A. TYRRELL, CHIEF
MARK F. MENDELSON, DEPUTY CHIEF
FRAUD SECTION, CRIMINAL DIVISION
U.S. DEPARTMENT OF JUSTICE



By: Nicola J. Mrazek
Trial Attorney