FELONY

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

SUPERSEDING INDICTMENT FOR VIOLATIONS OF THE
GUN CONTROL ACT AND THE NATIONAL FIREARMS ACT

UNITED STATES OF AMERICA	*	CRIMINAL DOCKET NO. 13-67
v.	*	SECTION: A
JAIME JAUREGUI RUBEN JAUREGUI FRANCISCO MALDONADO CARLOS CABRERA	* * *	VIOLATIONS: 18 U.S.C. § 371 26 U.S.C. § 5861(d)

* * *

The Grand Jury charges that:

COUNT 1

A. AT ALL TIMES MATERIAL HEREIN:

1. The defendant, **JAIME JAUREGUI**, maintained contact with an undercover agent ("UC agent) with Homeland Security Investigations ("HSI"). This contact related to **JAIME JAUREGUI**'s desire to possess and acquire military grade weaponry for interstate transport and export and transfer to Mexico.

2. The defendants, **JAIME JAUREGUI, RUBEN JAUREGUI, FRANCISCO MALDONADO**, and **CARLOS CABRERA** are all residents of the State of Florida.

3. A "firearm," as defined in the Gun Control Act, is any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, the frame or receiver of any such weapon or any destructive device.

4. A "machinegun," as defined in the National Firearms Act, is any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term also includes the frame or receiver of any such weapon.

5. A "destructive device," as defined in the National Firearms Act, includes any explosive, incendiary, or poison gas grenade or similar device and any type of weapon which will, or which may be readily converted to expel a projectile by the action of an explosive or other propellant, the barrel or barrels of which have a bore of more than one inch in diameter.

B. <u>THE CONSPIRACY</u>:

Beginning at a time unknown, but not later than on or about February 28, 2012, and continuing through on or about March 21, 2013, in the Eastern District of Louisiana and elsewhere, the defendants, **JAIME JAUREGUI, RUBEN JAUREGUI, FRANCISCO MALDONADO**, and **CARLOS CABRERA**, together with others known and unknown to the Grand Jury, did willfully and knowingly combine, conspire, confederate and agree together and with each other to:

(1) Engage in the business of dealing in firearms, without being licensed dealers of firearms within the meaning of Chapter 44 of Title 18, United States Code, and in the course of such business, ship, transport and receive any firearm in interstate and foreign commerce; in violation of

Title 18, United States Code, Section 922(a)(1)(A);

(2) Transport into the State of Florida, where the defendants, **JAIME JAUREGUI, RUBEN JAUREGUI, FRANCISCO MALDONADO**, and **CARLOS CABRERA** then resided, firearms, to wit: twelve (12) Colt M4 automatic assault rifles, said firearms having been purchased or otherwise obtained by the defendants outside the State of Florida, and not being licensed dealers, importers, manufacturers, or collectors of firearms within the meaning of Chapter 44 of Title 18, United States Code; in violation of Title 18, United States Code, Section 922(a)(3); and;

(3) Transport from the Eastern District of Louisiana to Texas, Florida, and elsewhere in interstate commerce, destructive devices, to wit: thirty (30) M-60 Grenades, and machine guns as defined in 26 U.S.C. § 5845(b), to wit: sixty (60) Colt M4 automatic assault rifles and fifty (50) AK-47 automatic assault rifles, not being licensed dealers, importers, manufacturers, or collectors of firearms within the meaning of Chapter 44 of Title 18, United States Code, and without the specific authorization of the U.S. Attorney General; in violation of Title 18, United States Code, Section 922(a)(4).

C. OVERT ACTS

On or about the following dates, in furtherance of and to accomplish its purposes, the defendants, **JAIME JAUREGUI, RUBEN JAUREGUI, FRANCISCO MALDONADO**, and **CARLOS CABRERA** and other coconspirators known and unknown to the Grand Jury, committed, or caused to be committed the following overt acts, among others, in the Eastern District of Louisiana and elsewhere:

1. On or about February 28, 2012, **JAIME JAUREGUI** spoke to the UC agent by telephone, and during the conversation, inquired whether the UC agent had any grenades, assault

rifles, and grenade launchers for sale, and **JAIME JAUREGUI** told the UC agent that the weapons he wanted to purchase would be leaving the United States.

2. Beginning in or about March 6, 2012 and continuing through on or about March 21, 2013, **JAIME JAUREGUI** had numerous conversations with the UC agent by telephone to discuss the terms of weapons brokering.

3. On or about March 6, 2012, **JAIME JAUREGUI** spoke to the UC agent over the telephone and again discussed quantities, prices, and the types of weapons the UC agent would have available to sale. **JAIME JAUREGUI** told the UC agent that he wanted to travel from Florida to New Orleans, Louisiana to purchase a few weapons to show **JAIME JAUREGUI**'s partners. **JAIME JAUREGUI** also advised the UC agent that the weapons were destined for Mexico.

4. On or about March 7, 2012, **JAIME JAUREGUI** met the UC agent in Covington, Louisiana. **JAIME JAUREGUI** inquired if the UC agent had any grenades, M4 assault rifles, and M203 grenade launchers for sale. **JAIME JAUREGUI** and the UC agent then drove to an HSI undercover storage unit located in Mandeville, Louisiana. Once at the undercover storage unit, **JAIME JAUREGUI** was shown ten (10) fully automatic AK-47 assault rifles and five (5) semi-automatic Colt M4 assault rifles. **JAIME JAUREGUI** manipulated an AK-47 rifle, and stated to the UC agent that these were the weapons that he was looking to purchase. **JAIME JAUREGUI** told the UC agent that he wanted to purchase all weapons the UC agent had to sell, including sixty (60) M4 rifles and fifty (50) fully automatic AK-47 assault rifles. **JAIME JAUREGUI** gave the UC agent $1000.00 in U.S. currency to hold the weapons for him. During this meeting, **JAIME JAUREGUI** told the UC agent the weapons are destined

for a drug cartel in Mexico.

5. On or about July 30, 2012, **JAIME JAUREGUI** traveled from Florida to Covington, Louisiana to meet with the UC agent. The purpose of these meeting was for **JAIME JAUREGUI** to make another down payment for weapons. **JAIME JAUREGUI** gave the UC agent $20,000.00 in U.S. currency for the weapons. **JAIME JAUREGUI** then told the UC agent that he would return at a later date to obtain the weapons and make a full payment.

6. On or about February 6, 2013, **JAIME JAUREGUI** traveled from Florida to the Eastern District of Louisiana with **RUBEN JUAREGUI**. **JAIME JAUREGUI** called the UC agent by telephone to inform the UC agent that he was in the area. **JAIME JAUREGUI** met with the UC agent and told the UC agent that he was ready to purchase weapons that **JAIME JAUREGUI** planned to transport to Texas. **JAIME JAUREGUI** gave the UC agent $5,000.00 in U.S. currency as a further deposit for the weapons.

7. On or about March 20, 2013, **JAIME JAUREGUI** traveled from Florida to the Covington, Louisiana area, along with **RUBEN JUAREGUI**, **FRANCISCO MALDONADO**, and **CARLOS CABRERA**. **RUBEN JUAREGUI** and **FRANCISCO MALDONADO** accompanied **JAIME JAUREGUI** to the Eastern District of Louisiana in order to accompany and assist **JAIME JAUREGUI** to transport the firearms in interstate commerce, in exchange for monetary payment by **JAIME JAUREGUI**.

8. On or about March 20, 2013, **CARLOS CABRERA** separately drove his own vehicle from Florida and arrived in the Covington, Louisiana area in order to accompany and assist **JAIME JAUREGUI** to transport firearms from Louisiana to Florida, in exchange for approximately $3,000.00 in back rent that **CARLOS CABRERA** owed to **JAIME JAUREGUI**.

9. On or about March 20, 2013, **JAIME JAUREGUI** met with the UC agent to discuss the transfer and later sale of the weapons. **JAIME JAUREGUI** told the UC agent that once **JAIME JAUREGUI** took possession of some of the weapons, that he would transfer them to a vehicle in **JAIME JAUREGUI**'s possession and allow one of his drivers to travel back to the Florida area with those weapons. **JAIME JAUREGUI** told the UC agent, once his driver left to travel to Florida, **JAIME JAUREGUI** would travel with the UC agent and follow a tractor trailer provided by the UC agent that was destined for Texas, which **JAIME JAUREGUI** believed to contain weapons including fifty (50) AK-47 automatic assault rifles, and sixty (60) M4 automatic assault rifles. Once the firearms were delivered to the unknown coconspirators in Texas, the UC would receive final payment. **JAIME JAUREGUI** stated to the UC agent that two of his workers would also ride in the tractor trailer. **JAIME JAUREGUI** and the UC discussed buying an ice chest to transport the weapons to Florida.

10. On or about March 20, 2013, after the meeting with the UC agent, **JAIME JAUREGUI** and **FRANCISCO MALDONADO** went to a sporting goods store in Covington, Louisiana and purchased a large ice chest.

11. On or about March 21, 2013, **JAIME JAUREGUI** met with the UC agent and provided the UC agent with an additional $20,000.00 in U.S. currency as a deposit in furtherance of the purchase of items including twelve (12) Colt M4 automatic assault rifles, and thirty (30) M-60 grenades. **JAIME JAUREGUI** arrived at the meeting alone driving **RUBEN JUAREGUI**'s vehicle, and transferred a large ice chest into the UC agent's vehicle that was to be used to transport the weapons. **JAIME JAUREGUI** and the UC agent rode together in the

UC agent's vehicle to a storage unit in Mandeville, Louisiana, where the UC agent then provided **JAIME JAUREGUI** with a representative sample of the cache of weapons. **JAIME JAUREGUI** then manipulated a number of fully automatic Colt M4 assault rifles. **JAIME JAUREGUI** took possession of the weapons and placed them into the large ice chest which he had transferred to the UC agent's vehicle earlier.

All in violation of Title 18, United States Code, Section 371.

COUNT 2

On or about March 21, 2013, in the Eastern District of Louisiana, **JAIME JAUREGUI**, the defendant, knowingly possessed firearms, which were not registered to him in the National Firearms Registration and Transfer Record, to wit: one (1) Colt M4, .223 caliber automatic assault rifle, bearing serial number W354461, and one (1) Colt M4, .223 caliber automatic assault rifle, bearing serial number W354603; in violation of Title 26, United States Code, Sections 5841, 5861(d), and 5871.

NOTICE OF GUN FORFEITURE

1. The allegations of Counts 1 and 2 of this Indictment are realleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 18, United States Code, Section 924(d)(1) and Title 26, United States Code, Section 5872, made applicable through Title 28, United States Code, Section 2461(c).

2. As a result of the offenses alleged in Counts 1 and 2, the defendants, **JAIME JAUREGUI, RUBEN JAUREGUI, FRANCISCO MALDONADO**, and **CARLOS CABRERA**,

shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d)(1) and Title 26, United States Code, Section 5872, made applicable through Title 28, United States Code, Section 2461(c), any firearm or ammunition, which was involved in or used in a knowing violation of Title 18, United States Code, Section 922 and Title 26, United States Code, Sections 5841, 5861(d) and 5871, as alleged in Counts 1 and 2 of this Superseding Indictment.

3. If any of the property subject to forfeiture, as a result of any act or omission of the defendants:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;

c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

All in violation of Title 18, United States Code, Section 924(d), Title 26, United States Code, Section 5872, made applicable through Title 28, United States Code, Section 2461.

A TRUE BILL:

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FOREPERSON

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New Orleans, Louisiana
April 18, 2013