1		Presented to the Court by the foreman of the Grand Jury in open Court, in the presence of
2		the Grand Jury and FILED in the U.S. DISTRICT COURT at Seattle, Washington.
3		Ravi Subramanian, Clerk
4		By Wall Deputy
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7	UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE	
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9		
10	UNITED STATES OF AMERICA,	NO. CR23-103 KAJ
11	Plaintiff	INDICTMENT
12		
13	V.	
14	JOHNY MIXAYBOUA,	
15	Defendant.	
16		
17	The Grand Jury charges that:	
18	COUNT 1	
19	(Theft of Government Property)	
20	On or about January 17, 2023, in King County, within the Western District of	
21	Washington, JOHNY MIXAYBOUA willfully and knowingly did steal and purloin a	
22	USPS Long Life Vehicle (LLV), of a value exceeding \$1,000, of the goods and property	
23	of the United States.	
24	All in violation of Title 18, United States Code, Section 641.	
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COUNT 2

(Theft of Government Property)

On or about January 30, 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 3

(Theft of Government Property)

On or about March 28, 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 4

(Unlawful Possession of Postal Key)

Beginning on or about December 28, 2022, and continuing until on or about May 24, 2023, in King County, within the Western District of Washington,

JOHNY MIXAYBOUA did knowingly and unlawfully possess a key suited to a lock on an authorized receptacle for the deposit and delivery of mail matter, with the intent to use, sell, and otherwise dispose of said key unlawfully and improperly.

All in violation of Title 18, United States Code, Section 1704.

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COUNT 5

(Mail Theft)

Beginning on or about December 28, 2022, and continuing until on or about May 24, 2023, in King County, within the Western District of Washington, JOHNY MIXAYBOUA knowingly and intentionally stole and took mail from a receptacle that was an authorized depository for mail matter.

All in violation of Title 18, United States Code, Section 1708.

COUNT 6

(Possession of Stolen Mail)

Beginning on about December 28, 2022 and continuing until on or about May 24, 2023, in King County, within the Western District of Washington, JOHNY MIXAYBOUA did unlawfully have in his possession, mail, and articles that had been contained in mail, that had been stolen and taken from a receptacle that was an authorized depository for mail matter, knowing that mail had been stolen and taken from a receptacle that was an authorized depository for mail matter.

All in violation of Title 18, United States Code, Section 1708.

COUNT 7

(Access Device – Illegal Transactions)

Between on or about January 9, 2023, and May 24, 2023, in King County, within the Western District of Washington, JOHNY MIXAYBOUA, knowingly and with intent to defraud, effected transactions with access devices issued to other persons, to receive payment and other things of value within a one year period, the aggregate value of which was at least \$1,000, said conduct affecting interstate and foreign commerce, in that the access devices were issued by companies located in a state other than Washington.

All in violation of Title 18, United States Code, Section 1029(a)(5) and (c)(1)(a)(ii).

COUNT 8 2 (Unlawful Possession of a Firearm) 3 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 4 5 crimes punishable by a term of imprisonment exceeding one year: 6 i. Three Counts of Possession of a Stolen Vehicle, Three Counts 7 of Attempt to Elude a Police Officer, and one Count of Theft of a Motor Vehicle, in King County Superior Court, 8 Washington, under cause number 18-1-02875-9, on or about 9 December 7, 2018; 10 ii. Theft of a Motor Vehicle, in King County Superior Court, 11 Washington, under cause number 16-1-06331-1, on or about March 24, 2017; 12 iii. Possession of a Stolen Vehicle and Bail Jumping, in King County 13 Superior Court, Washington, under cause number 16-1-02970-8, on 14 or about March 24, 2017; 15 iv. Taking a Motor Vehicle Without Permission in the Second Degree, in King County Superior Court, Washington, under cause number 16 14-1-06434-5, on or about January 27, 2015; 17 Taking a Motor Vehicle Without Permission in the Second Degree. v. 18 in King County Superior Court, Washington, under cause number 19 14-1-04651-7, on or about January 27, 2015; 20 vi. Taking a Motor Vehicle Without Permission in the Second Degree, in King County Superior Court, Washington, under cause number 21 14-1-03638-4, on or about January 27, 2015; 22 vii. Taking a Motor Vehicle Without Permission in the Second Degree, 23 in King County Superior Court, Washington, under cause number 24 14-1-04763-7, on or about January 27, 2015; 25 viii. Taking a Motor Vehicle Without Permission in the Second Degree, 26 in King County Superior Court, Washington, under cause number 14-1-04442-5, on or about January 27, 2015; 27

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

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

COUNT 9

(Unlawful Possession of Ammunition)

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:

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

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

FORFEITURE ALLEGATION

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

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

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

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

924(d)(1), by way of Title 28, United States Code, Section 2461(c), any firearms and ammunition that were involved in the offense, including but not limited to: A Polymer-80 9mm caliber handgun, approximately 60 rounds of 9mm ammunition, and any other associated ammunition, seized on or about May 24, 2023, from the person of JOHNY MIXAYBOUA.

1 Substitute Assets. If any of the above-described forfeitable property, as a result of 2 any act or omission of the defendant, 3 cannot be located upon the exercise of due diligence; 4 b. has been transferred or sold to, or deposited with, a third party; 5 has been placed beyond the jurisdiction of the Court; c. 6 d. has been substantially diminished in value; or, 7 has been commingled with other property which cannot be divided e. 8 without difficulty, it is the intent of the United States to seek the forfeiture of any other property of the 9 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: DATED: 6/21/23 14 15 Signature of Foreperson redacted pursuant to the policy of the Judicial Conference of 16 the United States. 17 **FOREPERSON** 18 19 MICHOLAS W. BROWN United States Attorney 21 22 MYJAQUETTE Assistant United States Attorney 24 25 26 Assistant United States Attorney 27

Indictment - 8 *United States v. Mixayboua*USAO No. 2023R00139