

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT
☒ SUPERSEDING
OFFENSE CHARGED

SEE ATTACHED

- ☐
- Petty
-
- ☐
- Minor
-
- ☐
- Misdemeanor
-
- ☒
- Felony

PENALTY: SEE ATTACHED

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

FILED

MAY 13 2013

DEFENDANT - U.S.

ISMAEL EDUARDO AXTE

DISTRICT COURT NUMBER

CR 11-00836-2 SBA

 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND
PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

ATF, Special Agent Katherine Castaneda

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form MELINDA HAAG

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

Brigid S. Martin

DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

- 1)
- ☐
- If not detained give date any prior summons was served on above charges
-
- 2)
- ☐
- Is a Fugitive
-
- 3)
- ☐
- Is on Bail or Release from (show District)

IS IN CUSTODY

- 4)
- ☒
- On this charge
-
- 5)
- ☐
- On another conviction }
- ☐
- Federal
- ☐
- State
-
- 6)
- ☐
- Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: _____ Before Judge: _____

Comments:

PENALTY SHEET ATTACHMENTISMAEL EDUARDO AXTLECounts One and Five: 18 U.S.C. § 1951(a) – Interference with Commerce by Robbery

Maximum prison sentence	20 years
Maximum fine	\$250,000
Maximum term of supervised release	3 years
Mandatory special assessment	\$100
Restitution	To Be Determined by the Court
Forfeiture	

Counts Two and Six: 18 U.S.C. § 2119 – Carjacking

Maximum prison sentence	15 years
Maximum fine	\$250,000
Maximum term of supervised release	3 years
Mandatory special assessment	\$100
Restitution	To Be Determined by the Court
Forfeiture	

Count Three: 18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm

Maximum prison sentence	10 years
Maximum fine	\$250,000
Maximum term of supervised release	3 years
Mandatory special assessment	\$100
Forfeiture	

Count Four: 21 U.S.C. § 841(a)(1) – Possession with Intent to Distribute and Distribution of a Controlled Substance (50 grams or more of a mixture containing Methamphetamine)

Minimum prison sentence	5 years
Maximum prison sentence	40 years
Maximum fine	\$5,000,000
Minimum supervised release term	4 years
Maximum supervised release term	Life
Mandatory special assessment	\$100
Mandatory and discretionary denial of federal benefits upon conviction of drug offenses (21 U.S.C. §§ 862 and 862a)	
Forfeiture	

Count Seven: 18 U.S.C. § 924(c)(1)(A)(ii) – Possession of a Firearm in Furtherance of a Crime of Violence (Carjacking as set forth in Count Six)

Maximum prison sentence	Life
Mandatory minimum prison sentence	7 years consecutive
Maximum fine	\$250,000
Maximum term of supervised release	5 years
Mandatory special assessment	\$100
Restitution	To Be Determined by the Court
Forfeiture	

MELINDA HAAG (CABN 132612)
United States Attorney

FILED

MAY 13 2013

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

v.

ISMAEL EDUARDO AXTLE,
Defendant.

No. CR 11-00836-02 SBA

VIOLATIONS: Title 18, United States Code, Section 1951(a) – Robbery Affecting Interstate Commerce; Title 18, United States Code, Section 2119 – Carjacking; Title 18, United States Code, Section 922(g)(1) – Felon in Possession of a Firearm; Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(viii) – Possession with Intent to Distribute Methamphetamine; Title 18, United States Code, Section 924(c) – Possession of a Firearm in Furtherance of a Crime of Violence; Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c) – Forfeiture of Firearms and Ammunition; Title 21, United States Code, Section 853(a) – Drug Forfeiture

OAKLAND VENUE

SUPERSEDING INFORMATION

The United States Attorney charges:

COUNT ONE: (18 U.S.C. §§ 1951(a) and 2 – Robbery Affecting Interstate Commerce)

1. On or about July 27, 2011, in the Northern District of California, the defendant,

ISMAEL EDUARDO AXTLE,

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CR 11-00836 SBA

1 unlawfully, willfully, and knowingly obstructed, delayed, and affected commerce and the
 2 movement of articles and commodities in commerce by robbery, as that term is defined in Title
 3 18, United States Code, Section 1951(b)(1).

4 All in violation of Title 18, United States Code, Sections 1951(a) and 2.

5 COUNT TWO: (18 U.S.C. § 2119 – Carjacking)

6 2. On or about August 5, 2011, in the Northern District of California, the defendant,
 7 ISMAEL EDUARDO AXTLE,
 8 with the intent to cause death and serious bodily harm, did take by force and violence and by
 9 intimidation a motor vehicle that had been transported, shipped, and received in interstate and
 10 foreign commerce, specifically, a BMW 325i, California plate 6HHN659, from the person and
 11 presence of another, in violation of Title 18, United States Code, Section 2119.

12 COUNT THREE: (18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm)

13 3. On or about September 9, 2011, in the Northern District of California and
 14 elsewhere, the defendant,
 15 ISMAEL EDUARDO AXTLE,
 16 having previously been convicted of a felony crime punishable by a term of imprisonment
 17 exceeding one year, did knowingly possess a firearm, specifically, a loaded 9mm Glock Model
 18 17 firearm, serial number USA0975, fitted with a large capacity magazine capable of holding
 19 seventeen (17) rounds, in and affecting interstate and foreign commerce, in violation of Title 18,
 20 United States Code, Section 922(g)(1).

21 COUNT FOUR: (21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B)(viii) – Possession With Intent To
 22 Distribute Methamphetamine)

23 4. On or about September 9, 2011, in the Northern District of California and
 24 elsewhere, the defendant,

25 ISMAEL EDUARDO AXTLE,
 26 knowingly and intentionally possessed with intent to distribute a Schedule II controlled
 27 substance, specifically, fifty grams or more of a substance or mixture containing
 28 methamphetamine, in violation of Title 21, United States Code, Sections 841(a)(1) and

1 841(b)(1)(B)(viii).

2 COUNT FIVE: (18 U.S.C. §§ 1951(a) and 2 – Robbery Affecting Interstate Commerce)

3 5. On or about November 17, 2011, in the Northern District of California, the
4 defendant,

5 ISMAEL EDUARDO AXTLE,
6 unlawfully, willfully, and knowingly obstructed, delayed, and affected commerce and the
7 movement of articles and commodities in commerce by robbery, as that term is defined in Title
8 18, United States Code, Section 1951(b)(1).

9 All in violation of Title 18, United States Code, Sections 1951(a) and 2.

10 COUNT SIX: (18 U.S.C. § 2119 – Carjacking)

11 6. On or about November 18, 2011, in the Northern District of California, the
12 defendant,

13 ISMAEL EDUARDO AXTLE,
14 with the intent to cause death and serious bodily harm, did take by force and violence and by
15 intimidation a motor vehicle that had been transported, shipped, and received in interstate and
16 foreign commerce, specifically, a Chevrolet Equinox, California plate 5LFP898, from the person
17 and presence of another, in violation of Title 18, United States Code, Section 2119.

18 COUNT SEVEN: (18 U.S.C. § 924(c) – Possession of a Firearm in Furtherance of a Crime of
19 Violence)

20 7. On or about November 18, 2011, in the Northern District of California, the
21 defendant,

22 ISMAEL EDUARDO AXTLE,
23 unlawfully, willfully, and knowingly used and carried a firearm during and in relation to a crime
24 of violence for which he may be prosecuted in a court of the United States, namely, the
25 carjacking offense charged in Count Six of this Superseding Information, and did possess a
26 firearm in furtherance of the offense charged in Count Six of this Superseding Information.

27 All in violation of Title 18, United States Code, Section 924(c).

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SUPERSEDING INFORMATION
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FIRST FORFEITURE ALLEGATION: (18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c) –
Firearm and Ammunition Forfeiture)

8. The factual allegations contained in Counts One, Two, Three, Five, Six, and Seven of this Superseding Information are realleged and by this reference fully incorporated herein for the purpose of alleging forfeiture pursuant to the provisions of 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c).

Upon a conviction of the offenses referenced in the preceding paragraph, the defendant,
ISMAEL EDUARDO AXTLE,
shall forfeit to the United States any firearm, silencer, or ammunition involved in or used in any knowing violation of said offenses, including but not limited to the following property:

- a. one (1) 9mm Glock Model 17 handgun, serial number ANW889;
- b. one (1) .38 caliber Smith & Wesson revolver, serial number D291955;
- c. one (1) 9mm Glock Model 17 handgun, serial number USA0975;
- d. twenty-six (26) rounds of ammunition, including eleven (11) rounds recovered from the Glock 17, serial number ANW889, eleven (11) rounds recovered from the Glock 17, serial number USA0975, and four (4) rounds recovered from the Smith & Wesson revolver described above.

All in violation of Title 18, United States Code, Section 924(d)(1) and 28 U.S.C. § 2461(c).

SECOND FORFEITURE ALLEGATION: (21 U.S.C. § 853(a) – Drug Forfeiture)

9. The factual allegations contained in Count Four of this Superseding Information are realleged and by this reference fully incorporated herein for the purpose of alleging forfeiture pursuant to the provisions of 21 U.S.C. §§ 853(a)(1) and (2).

Upon a conviction of the offense alleged in Count Four, the defendant,
ISMAEL EDUARDO AXTLE,
shall forfeit to the United States all right, title and interest in property constituting and derived from any proceeds defendant obtained, directly or indirectly, as a result of said violation, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the

1 commission of the said violation.

2 If, as a result of any act or omission of the defendant, any of said property

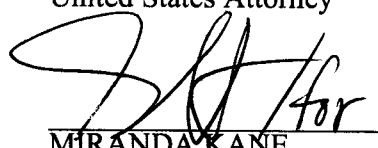
- 3 a. cannot be located upon the exercise of due diligence;
4 b. has been transferred or sold to or deposited with, a third person;
5 c. has been placed beyond the jurisdiction of the Court;
6 d. has been substantially diminished in value; or
7 e. has been commingled with other property which cannot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

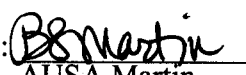
9 any and all interest defendant has in any other property (not to exceed the value of the above
10 forfeitable property) shall be forfeited to the United States.

11 All in violation of 21 U.S.C. §§ 853(a)(1) and (2), (p) and Rule 32.2 of the Federal Rules
12 of Criminal Procedure.

13 DATED: May 13, 2013

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15 MELINDA HAAG
United States Attorney

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18 MIRANDA KANE
Chief, Criminal Division

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20 (Approved as to form: )
21 AUSA Martin

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SUPERSEDING INFORMATION
CR 11-00836-02 SBA