

(No 3)

AO 91 (Rev. 5/85) Criminal Complaint

United States District Court
Southern District of Texas
FILED

United States District Court

SOUTHERN

DISTRICT OF

FEB 23 2011
TEXAS

UNITED STATES OF AMERICA

David J. Bradley, Clerk

V.

CRIMINAL COMPLAINT

Lee Roy PEREZ

YOB: 1987

United States

CASE NUMBER: *M-11-0368-M*

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about February 22, 2011 in Hidalgo county, in the Southern District of Texas defendant(s) did, (Track Statutory Language of Offense)

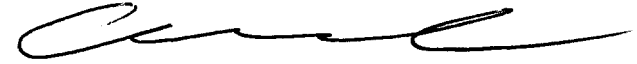
knowingly and willfully export and cause to be exported into the United Mexican States from the United States of America a defense article, that is, to wit: six (6) AK-47 type rifles, one (1) .308 caliber assault rifle, six (6) AK-47 type magazines, and one (1) .308 caliber assault rifle magazine, which were designated as defense articles on the United States Munitions List, without having first obtained from the Department of State a license for such export or written authorization for such export.

in violation of Title 22 United States Code, Section(s) 2778

I further state that I am a(n) U.S. ICE Special Agent and that this complaint is based on the following facts: See Attachment "A".

Continued on the attached sheet and made a part of hereof: Yes No

*Approved to file Kimberly Tucker
AUSA*

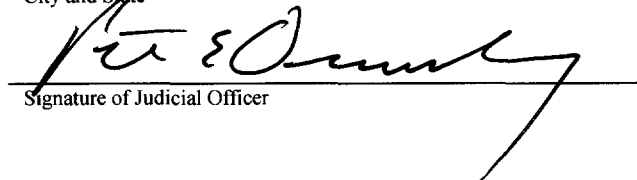

Signature of Complainant Adrian Herrera - ICE Special Agent

Sworn to before me and subscribed in my presence,

February 23, 2011
Date

At McAllen, Texas
City and State

Peter E. Ormsby, U.S. Magistrate Judge
Name & Title of Judicial Officer


Signature of Judicial Officer

Attachment A

On February 22, 2011, U.S. Customs and Border Protection officers (CBPO) working outbound inspections at the Hidalgo, Texas Port of Entry (POE) encountered Lee Roy PEREZ. PEREZ was encountered during a routine outbound inspection prior to exiting the United States and entering Mexico. CBPO's asked PEREZ if he possessed currency in excess of \$10,000.00 (USD), firearms, or ammunition to declare prior to the search of his vehicle. PEREZ gave CBPO's a negative declaration to that effect. CBPO's detained PEREZ and moved the vehicle to the secondary inspection area for further investigation.

CBPO's proceeded to inspect the vehicle driven by PEREZ, a maroon four door Ford Taurus station wagon (Texas license plate 145-VHY). During the inspection, CBPO's discovered six (6) AK-47 type rifles, one (1) .308 caliber assault rifle, six (6) AK-47 type magazines, and one (1) .308 caliber assault rifle magazine in a modified factory compartment behind the rear seats, and the rear left quarter panel of the vehicle.

CBPO's notified U.S. Immigration and Customs Enforcement (ICE) special agents (SA's) of the discovery. ICE SA's responded to investigate the incident. SA's provided PEREZ with a written advisement of his Miranda rights. PEREZ stated that he understood his rights. PEREZ waived his rights and provided a statement without the presence of an attorney.

PEREZ stated that he concealed the aforementioned firearms and magazines in the Ford Taurus (Texas license plate 145-VHY) in order to illegally export them from the United States into Mexico. PEREZ stated that he was to be paid approximately \$300.00 to illegally export the aforementioned firearms. PEREZ stated that he has been working for a criminal organization which provides firearms to the "Gulf Cartel" drug trafficking organization (DTO) in Reynosa, Tamaulipas, Mexico for approximately seven months. PEREZ stated that in the past seven months he successfully illegally exported over fifty (50) firearms from the United States into Mexico. PEREZ stated that the majority of the firearms he smuggled into Mexico were AK-47 type assault rifles.

ICE SA's asked PEREZ if he knew it was illegal to export firearms from the United States to Mexico without a license. PEREZ admitted that he knew it was illegal, and that he did it for the money. ICE SA's asked PEREZ if he had a license to export firearms. PEREZ stated that he did not.