

Feb 16, 2017

STEVEN M. LARIMORE
CLERK U.S. DIST. CT.
S.D. OF FLA. - MIAMI

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
17-20126-CR-MOORE/MCALILEY
CASE NO. _____

18 U.S.C. § 371
18 U.S.C. § 922(a)(1)(A)
18 U.S.C. § 554(a)
22 U.S.C. §§ 2778(b)(2) and (c)
18 U.S.C. § 981(a)(1)(C)
22 U.S.C. § 401
21 U.S.C. § 853

UNITED STATES OF AMERICA

v.

ENDER ENRIQUE SOTO HERNANDEZ,
ENDER ALBERTO SOTO HERNANDEZ,
LUIS ANTONIO URDANETA POZO,
WILMER ONELIS HINESTROZA PEREIRA, and
ALCIBIADES DeJESUS PALMAR NARVAEZ,

Defendants.

_____/

INDICTMENT

The Grand Jury charges that:

GENERAL ALLEGATIONS

At all times relevant to this Indictment:

1. In furtherance of the national security and foreign policy interests of the United States, the United States regulates and restricts the export of arms, munitions, implements of war, and defense articles pursuant to the Arms Export Control Act (the "AECA"), codified at Title 22, United States Code, Section 2778.

2. A principal purpose of these laws is to provide accurate and truthful information to the United States to allow departments of the United States government to monitor and control the distribution, exportation, and delivery of defense articles.

3. The regulations that govern such exports are the International Traffic in Arms Regulations (the "ITAR"), codified at Title 22, Code of Federal Regulations, Sections 120-130. Included in the ITAR is a list of defense articles and defense services that are subject to control under the ITAR. This list, found in Title 22, Code of Federal Regulations, Section 121.1, is called the United States Munitions List.

4. Pursuant to the AECA and the ITAR, no defense articles or defense services may be exported or otherwise transferred from the United States to another country without a license from the United States Department of State, Directorate of Defense Trade Controls. The ITAR also prohibits re-exports, transfers, transshipments, and diversions from foreign countries of previously exported defense articles or services without State Department authorization.

5. Non-automatic and semiautomatic firearms up to caliber .50 inclusive (including rifles, carbines, pistols, and revolvers not over .50 caliber), as well as ammunition for such firearms, are recognized as defense articles under the United States Munitions List, Title 22, Code of Federal Regulations, Section 121.1, Category I, Subparts (a) and (j)(1).

6. The defendants, **ENDER ENRIQUE SOTO HERNANDEZ, ENDER ALBERTO SOTO HERNANDEZ, LUIS ANTONIO URDANETA POZO, WILMER ONELIS HINESTROZA PEREIRA, and ALCIBIADES DeJESUS PALMAR NARVAEZ**, did not possess or obtain the necessary licenses to export from the United States non-automatic and semiautomatic firearms to caliber .50 inclusive and ammunition.

COUNT 1

**Conspiracy
(18 U.S.C. § 371)**

1. The allegations set forth in paragraphs 1 through 6 of the General Allegations are hereby incorporated as if set forth fully herein.

2. From on or about February 23, 2013, the exact date being unknown to the Grand Jury, until on or about October 21, 2016, in Miami-Dade County, in the Southern District of Florida, and elsewhere, including the country of Venezuela, the defendants,

**ENDER ENRIQUE SOTO HERNANDEZ,
ENDER ALBERTO SOTO HERNANDEZ,
LUIS ANTONIO URDANETA POZO,
WILMER ONELIS HINESTROZA PEREIRA, and
ALCIBIADES DeJESUS PALMAR NARVAEZ,**

did knowingly and willfully combine, conspire, confederate, and agree with Jose Gutierrez Morales, Alfredo Montilla Hernandez, Abrahan Jose Aguilar Sanchez, and others known and unknown to the Grand Jury, to commit any offense against the United States, that is:

(a) to willfully engage in the business of dealing in firearms in foreign commerce, being other than a licensed importer, manufacturer, and dealer and in the course of such business to ship, transport, and receive any firearm in foreign commerce, in violation of Title 18, United States Code, Sections 922(a)(1)(A) and 924(a)(1)(D);

(b) to fraudulently and knowingly export and send from the United States to a place outside thereof, that is, Venezuela, any merchandise, article, and object, that is, firearms and ammunition, and did conceal and facilitate the transportation and concealment of such merchandise, article, and object prior to exportation, knowing the same to be intended for exportation, contrary to any law and regulation of the United States, that is, Title 22, United States Code, Section 2778, and

Title 22, Code of Federal Regulations, Section 121.1; in violation of Title 18, United States Code, Sections 554(a); and

(c) to knowingly and willfully export “defense articles,” that is, firearms and ammunition, from the United States to a place outside thereof, that is, Venezuela, without having first obtained the required license or other written approval from the United States Department of State, Directorate of Defense Trade Control, in violation of Title 22, United States Code, Sections 2778(b)(2) and (c), Title 22, Code of Federal Regulations, Section 121.1, Category I, Subparts (a) and (j)(1), and 127.1(a)(1).

OBJECT AND PURPOSE OF THE CONSPIRACY

It was an object and purpose of the conspiracy for the defendants to enrich themselves and their co-conspirators by illegally selling firearms and ammunition in Venezuela that travelled in foreign commerce without a license.

MANNER AND MEANS OF THE CONSPIRACY

The manner and means by which the defendants sought to accomplish the object and purpose of the conspiracy included, among others, the following:

1. Defendants **ENDER ENRIQUE SOTO HERNANDEZ** and **ENDER ALBERTO SOTO HERNANDEZ** exported ammunition by packing it in their luggage for flights from Miami, Florida to Venezuela.
2. Defendant **LUIS ANTONIO URDANETA POZO** and known and unknown co-conspirators purchased firearms and ammunition from a variety of sources within the State of Florida.
3. Defendants **ENDER ALBERTO SOTO HERNANDEZ** and **WILMER ONELIS**

HINESTROZA PEREIRA and known co-conspirators stole ammunition from retail stores within the State of Florida.

4. Defendant **ENDER ENRIQUE SOTO HERNANDEZ** arranged for Defendants **LUIS ANTONIO URDANETA POZO**, **ENDER ALBERTO SOTO HERNANDEZ**, and **WILMER ONELIS HINESTROZA PEREIRA** and known co-conspirators to take the purchased firearms and the purchased and stolen ammunition to locations in the State of Florida to conceal them in containers for international shipment.

5. Defendants **ENDER ENRIQUE SOTO HERNANDEZ** and **ALCIBIADES DeJESUS PALMAR NARVAEZ** and known and unknown co-conspirators arranged for freight forwarders in the Miami, Florida, area to receive the packages containing the firearms and ammunition and caused the freight forwarders to ship the packages to Maracaibo, Venezuela.

6. Defendants **ENDER ENRIQUE SOTO HERNANDEZ**, **ENDER ALBERTO SOTO HERNANDEZ**, and **WILMER ONELIS HINESTROZA PEREIRA** and known and unknown co-conspirators received the packages in Maracaibo, Venezuela, and sold the firearms and ammunition in Venezuela.

OVERT ACTS

In furtherance of the conspiracy and to achieve the object and purpose thereof, at least one of the co-conspirators committed and caused to be committed, in the Southern District of Florida, at least one of the following overt acts, among others:

1. On or about February 23, 2013, **ENDER ALBERTO SOTO HERNANDEZ** exported ammunition by packing it in his luggage on a flight from Miami, Florida, to Maracaibo, Venezuela.

2. On or about August 9, 2013, **ENDER ENRIQUE SOTO HERNANDEZ** attempted to export approximately 54 pounds' worth of ammunition by packing it in his luggage on a flight from Miami, Florida, to Maracaibo, Venezuela.

3. In or around January 2016, **ENDER ENRIQUE SOTO HERNANDEZ** obtained empty marine battery cases for the purpose of concealing ammunition and firearms.

4. In or around January 2016, **WILMER ONELIS HINESTROZA PEREIRA** purchased and stole ammunition from retail stores in the State of Florida.

5. In or around January 2016, **LUIS ANTONIO URDANETA POZO** provided **WILMER ONELIS HINESTROZA PEREIRA** and Jose Gutierrez Morales with approximately 13 firearms to package, ship and send to Venezuela.

6. In or around January 2016, **WILMER ONELIS HINESTROZA PEREIRA** packaged the firearms and ammunition described above in the empty marine battery cases provided by **ENDER ENRIQUE SOTO HERNANDEZ**.

7. On or about February 11, 2016, **ENDER ENRIQUE SOTO HERNANDEZ** and **ALCIBIADES DeJESUS PALMAR NARVAEZ** arranged for a freight forwarder in the Miami, Florida, area to take the packages containing the hidden firearms and ammunition and ship them to Maracaibo, Venezuela.

8. In or around June 2016, **LUIS ANTONIO URDANETA POZO** arranged for the acquisition of two (2) AR-15 assault rifles in or around the Tampa, Florida, area.

9. In or around June 2016, **LUIS ANTONIO URDANETA POZO** arranged for the assault rifles and dozens of boxes of ammunition to be hidden in electrical generators.

10. On or about June 24, 2016, **ENDER ENRIQUE SOTO HERNANDEZ** and

ALCIBIADES DeJESUS PALMAR NARVAEZ arranged for a freight forwarder in the Miami, Florida, area to take the packages containing the hidden firearms and ammunition and ship them to Maracaibo, Venezuela.

11. From in or around August 2016 until on or about October 19, 2016, **ENDER ALBERTO SOTO HERNANDEZ** acquired firearms in the Miami, Florida, area.

12. From in or around August 2016 until on or about October 19, 2016, **ENDER ALBERTO SOTO HERNANDEZ** purchased and stole ammunition in the Miami, Florida, area.

13. In or about October 2016, **ENDER ALBERTO SOTO HERNANDEZ** packaged eight (8) firearms and approximately 23,500 rounds of ammunition in empty marine battery cases.

14. On or about October 19, 2016, **LUIS ANTONIO URDANETA POZO** provided **ENDER ALBERTO SOTO HERNANDEZ**, Jose Gutierrez Morales, and Alfredo Montilla Hernandez with five (5) AR-15 assault rifles in the Miami, Florida, area.

15. On or about October 21, 2016, **ENDER ENRIQUE SOTO HERNANDEZ** and **ALCIBIADES DeJESUS PALMAR NARVAEZ** arranged for a freight forwarder in the Miami, Florida, area to take the packages containing the hidden eight (8) firearms and approximately 23,500 rounds of ammunition and ship them to Maracaibo, Venezuela.

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

COUNT 2

Engaging in Business of Dealing Firearms Without a License (18 U.S.C. § 922(a)(1)(A))

From on or about February 23, 2013, to on or about October 21, 2016, in Miami-Dade County, in the Southern District of Florida, and elsewhere, including the country of Venezuela, the defendants,

**ENDER ENRIQUE SOTO HERNANDEZ,
ENDER ALBERTO SOTO HERNANDEZ,
LUIS ANTONIO URDANETA POZO,
WILMER ONELIS HINESTROZA PEREIRA, and
ALCIBIADES DeJESUS PALMAR NARVAEZ,**

did willfully engage in the business of dealing in firearms in foreign commerce, being other than a licensed importer, manufacturer, and dealer, and in the course of such business did ship, transport, and receive any firearm in foreign commerce, in violation of Title 18, United States Code, Sections 922(a)(1)(A), 924(a)(1)(D), and 2.

COUNT 3

**Smuggling Firearms and Ammunition from the United States
(Title 18, United States Code, Section 554(a))**

1. The allegations set forth in paragraphs 1 through 6 of the General Allegations are hereby incorporated as if set forth fully herein.

2. On or about February 11, 2016, in Miami-Dade County, in the Southern District of Florida and elsewhere, the defendants,

**ENDER ENRIQUE SOTO HERNANDEZ,
LUIS ANTONIO URDANETA POZO,
WILMER ONELIS HINESTROZA PEREIRA, and
ALCIBIADES DeJESUS PALMAR NARVAEZ,**

did fraudulently and knowingly export and send from the United States to a place outside thereof, that is, Venezuela, any merchandise, article, and object, that is, firearms and ammunition, and did conceal and facilitate the transportation and concealment of such merchandise, article, and object prior to exportation, knowing the same to be intended for exportation, contrary to any law and regulation of the United States, that is, Title 22, United States Code, Section 2778, and Title 22, Code of Federal Regulations, Section 121.1; in violation of Title 18, United States Code, Sections

554(a) and 2.

3. It is further alleged that the firearms and ammunition are:
 - a. Twelve (12) handguns (various calibers) and
 - b. Numerous boxes of ammunition (various calibers).

COUNT 4

**Arms Export Control Act Violation
(Title 22 United States Code, Sections 2778(b)(2) and (c))**

1. The allegations set forth in paragraphs 1 through 6 of the General Allegations are hereby incorporated as if set forth fully herein.
2. On or about February 11, 2016, in Miami-Dade County, in the Southern District of Florida and elsewhere, the defendants,

**ENDER ENRIQUE SOTO HERNANDEZ,
LUIS ANTONIO URDANETA POZO,
WILMER ONELIS HINESTROZA PEREIRA, and
ALCIBIADES DeJESUS PALMAR NARVAEZ,**

did knowingly and willfully export “defense articles,” that is, firearms and ammunition, from the United States to a place outside thereof, that is, Venezuela, without having first obtained the required license or other written approval from the United States Department of State, Directorate of Defense Trade Control, in violation of Title 22, United States Code, Sections 2778(b)(2) and (c), Title 22, Code of Federal Regulations, Sections 121.1, Category I, Subparts (a) and (j)(1), and 127.1(a)(1), and Title 18, United States Code, Section 2.

COUNT 5

**Smuggling Firearms and Ammunition from the United States
(Title 18, United States Code, Section 554(a))**

1. The allegations set forth in paragraphs 1 through 6 of the General Allegations are

hereby incorporated as if set forth fully herein.

2. On or about June 25, 2016, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

**ENDER ENRIQUE SOTO HERNANDEZ,
LUIS ANTONIO URDANETA POZO,
WILMER ONELIS HINESTROZA PEREIRA, and
ALCIBIADES DeJESUS PALMAR NARVAEZ,**

did fraudulently and knowingly export and send from the United States to a place outside thereof, that is, Venezuela, any merchandise, article, and object, that is, firearms and ammunition, and did conceal and facilitate the transportation and concealment of such merchandise, article, and object prior to exportation, knowing the same to be intended for exportation, contrary to any law and regulation of the United States, that is, Title 22, United States Code, Section 2778, and Title 22, Code of Federal Regulations, Section 121.1; in violation of Title 18, United States Code, Sections 554(a) and 2.

3. It is further alleged that the firearms and ammunition are:
- a. Two (2) AR-15 assault rifles and
 - b. 371 boxes of ammunition (various calibers).

COUNT 6

**Arms Export Control Act Violation
(Title 22 United States Code, Sections 2778(b)(2) and (c))**

1. The allegations set forth in paragraphs 1 through 6 of the General Allegations are hereby incorporated as if set forth fully herein.

2. On or about June 25, 2016, in Miami-Dade County, in the Southern District of Florida and elsewhere, the defendants,

**ENDER ENRIQUE SOTO HERNANDEZ,
LUIS ANTONIO URDANETA POZO,
WILMER ONELIS HINESTROZA PEREIRA, and
ALCIBIADES DeJESUS PALMAR NARVAEZ,**

did knowingly and willfully export “defense articles,” that is, firearms and ammunition, from the United States to a place outside thereof, that is, Venezuela, without having first obtained the required license or other written approval from the United States Department of State, Directorate of Defense Trade Control, in violation of Title 22, United States Code, Sections 2778(b)(2) and (c), Title 22, Code of Federal Regulations, Sections 121.1, Category I, Subparts (a) and (j)(1), and 127.1(a)(1), and Title 18, United States Code, Section 2.

COUNT 7

**Attempted Smuggling Firearms and Ammunition from the United States
(Title 18, United States Code, Section 554(a))**

1. The allegations set forth in paragraphs 1 through 6 of the General Allegations are hereby incorporated as if set forth fully herein.
2. On or about October 21, 2016, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

**ENDER ENRIQUE SOTO HERNANDEZ,
ENDER ALBERTO SOTO HERNANDEZ,
LUIS ANTONIO URDANETA POZO,
WILMER ONELIS HINESTROZA PEREIRA, and
ALCIBIADES DeJESUS PALMAR NARVAEZ,**

did fraudulently and knowingly attempt to export and send from the United States to a place outside thereof, that is, Venezuela, any merchandise, article, and object, that is, firearms and ammunition, and did conceal and facilitate the transportation and concealment of such merchandise, article, and object prior to exportation, knowing the same to be intended for exportation, contrary to any law

and regulation of the United States, that is, Title 22, United States Code, Section 2778, and Title 22, Code of Federal Regulations, Section 121.1; in violation of Title 18, United States Code, Sections 554(a) and 2.

3. It is further alleged that the firearms and ammunition are:
 - a. One (1) Glock 19 pistol (serial # ABVT561);
 - b. One (1) Glock 34 pistol (serial # ULH920);
 - c. One (1) Glock 23 pistol (serial # UTL390);
 - d. One (1) Glock 34 pistol (serial # BBXW684);
 - e. One (1) Glock 17 pistol (serial # XZT251);
 - f. One (1) Smith & Wesson M&P Shield pistol (serial # HPY1180);
 - g. One (1) Smith & Wesson M&P Shield pistol (serial # HNH6051);
 - h. One (1) Heckler & Koch VP9 pistol (serial # 224-124703);
 - i. One (1) Beretta 9mm pistol (serial # 4097622Z);
 - j. One (1) Smith & Wesson .380 pistol (serial # KCV3473);
 - k. One (1) P-A 15 AR-15 assault rifle lower receiver (serial # AP003301);
 - l. One (1) DPMS AR-15 assault rifle lower receiver (serial # FH107050);
 - m. One (1) Sig Sauer AR-15 assault rifle lower receiver (serial # 53E010600);
 - n. One (1) Smith & Wesson MP15 AR-15 assault rifle lower receiver (serial #5R89475);
 - o. One (1) Ruger AR-556 assault rifle lower receiver (serial # 850-21853); and
 - p. 25,272 rounds of ammunition (various calibers).

COUNT 8

**Arms Export Control Act Violation
(Title 22 United States Code, Sections 2778(b)(2) and (c))**

1. The allegations set forth in paragraphs 1 through 6 of the General Allegations are hereby incorporated as if set forth fully herein.

2. On or about October 21, 2016, in Miami-Dade County, in the Southern District of Florida and elsewhere, the defendants,

**ENDER ENRIQUE SOTO HERNANDEZ,
ENDER ALBERTO SOTO HERNANDEZ,
LUIS ANTONIO URDANETA POZO,
WILMER ONELIS HINESTROZA PEREIRA, and
ALCIBIADES DeJESUS PALMAR NARVAEZ,**

did knowingly and willfully attempt to export “defense articles,” that is, firearms and ammunition, from the United States to a place outside thereof, that is, Venezuela, without having first obtained the required license or other written approval from the United States Department of State, Directorate of Defense Trade Control, in violation of Title 22, United States Code, Sections 2778(b)(2) and (c), Title 22, Code of Federal Regulations, Sections 121.1, Category I, Subparts (a) and (j)(1), and 127.1(a)(1),p and Title 18, United States Code, Section 2.

FORFEITURE ALLEGATIONS

1. The allegations of this Indictment are re-alleged and by this reference fully incorporated herein for the purpose of alleging criminal forfeiture to the United States of America of certain property in which the defendants, **ENDER ENRIQUE SOTO HERNANDEZ, ENDER ALBERTO SOTO HERNANDEZ, LUIS ANTONIO URDANETA POZO, WILMER ONELIS HINESTROZA PEREIRA and ALCIBIADES DeJESUS PALMAR NARVAEZ,** have an interest.

2. Upon conviction of a violation of Title 22, United States Code, Section 2778, or conspiracy to commit such violation, as alleged in this Indictment, the defendants shall each forfeit to the United States of America any property, real or personal, which constitutes or is derived from proceeds traceable to such offense, any arms or munitions of war or other articles exported or removed from the United States as a result of the offense, and any vessel, vehicle, or aircraft containing the same or which has been or is being used in exporting or attempting to export such arms or munitions of war or other articles, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 22, United States Code, Section 401.

3. Upon conviction of a violation of Title 18, United States Code, Section 554, as alleged in this Indictment, the defendants shall each forfeit to the United States of America any property, real or personal, which constitutes or is derived from proceeds traceable to such offense, pursuant to Title 18, United States Code, Section 981(a)(1)(C).

4. Upon conviction of any violation of criminal law of the United States, as alleged in this Indictment, the defendants shall each forfeit to the United States of America any firearms and ammunition involved in the commission of such offense, pursuant to Title 18, United States Code, Section 924(d).

5. The property which is subject to forfeiture includes, but is not limited to:

- (a) One (1) Glock 19 pistol (serial # ABVT561);
- (b) One (1) Glock 34 pistol (serial # ULH920);
- (c) One (1) Glock 23 pistol (serial # UTL390);
- (d) One (1) Glock 34 pistol (serial # BBXW684);
- (e) One (1) Glock 17 pistol (serial # XZT251);

- (f) One (1) Smith & Wesson M&P Shield pistol (serial # HPY1180);
- (g) One (1) Smith & Wesson M&P Shield pistol (serial # HNH6051);
- (h) One (1) Heckler & Koch VP9 pistol (serial # 224-124703);
- (i) One (1) Beretta 9mm pistol (serial # 4097622Z);
- (j) One (1) Smith & Wesson .380 pistol (serial # KCV3473);
- (k) One (1) P-A 15 AR-15 assault rifle lower receiver (serial # AP003301);
- (l) One (1) DPMS AR-15 assault rifle lower receiver (serial # FH107050);
- (m) One (1) Sig Sauer AR-15 assault rifle lower receiver (serial # 53E010600);
- (n) One (1) Smith & Wesson MP15 AR-15 assault rifle lower receiver (serial # 5R89475);
- (o) One (1) Ruger AR-556 assault rifle lower receiver (serial # 850-21853);
- (p) 25,272 rounds of ammunition (various calibers);
- (q) Five (5) AR-15 assault rifle upper receivers (various manufacturers);
- (r) Other AR-15 assault rifle accessories, to include handguards, rails, rifle sights, grips, and magazines;
- (s) One (1) Beretta BC2 Grip and Rail System;
- (t) Three (3) 9mm magazines (various manufacturers); and
- (u) One (1) Smith & Wesson .380 magazine.

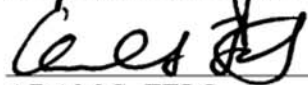
All pursuant to Title 18, United States Code, Sections 924(d) and 981(a)(1)(C), Title 22, United States Code, Section 401, and the procedures set forth in Title 21, United States Code, Section

853, all of which are made applicable by Title 28, United States Code, Section 2461(c).

A TRUE BILL



WIFREDO A. FERRER
UNITED STATES ATTORNEY



ADAM S. FELS
ASSISTANT UNITED STATES ATTORNEY

FOREPERSON

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

CASE NO. _____

vs.

ENDER ENRIQUE SOTO HERNANDEZ,
ENDER ALBERTO SOTO HERNANDEZ,
LUIS ANTONIO URDANETA POZO,
WILMER ONELIS HINESTROZA PEREIRA, and
ALCIBIADES DeJESUS PALMAR NARVAEZ,

CERTIFICATE OF TRIAL ATTORNEY

Defendants. /

Superseding Case Information:

Court Division: (Select One)

X Miami _____ Key West _____
FTL _____ WPB _____ FTP _____New Defendant(s) Yes _____ No _____
Number of New Defendants _____
Total number of counts _____

I do hereby certify that:

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.

3. Interpreter: (Yes or No) Yes
List language and/or dialect Spanish

4. This case will take 10 days for the parties to try.

5. Please check appropriate category and type of offense listed below:

(Check only one)

(Check only one)

I	0 to 5 days	_____	Petty	_____
II	6 to 10 days	<u>X</u>	Minor	_____
III	11 to 20 days	_____	Misdem.	_____
IV	21 to 60 days	_____	Felony	<u>x</u>
V	61 days and over	_____		

6. Has this case been previously filed in this District Court? (Yes or No) No

If yes:

Judge:

Case No. _____

(Attach copy of dispositive order)

Has a complaint been filed in this matter?

(Yes or No) No

If yes:

Magistrate Case No. _____

Related Miscellaneous numbers: _____

Defendant(s) in federal custody as of _____

Defendant(s) in state custody as of _____

Rule 20 from the _____

Is this a potential death penalty case? (Yes or No) No

7. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003? _____ Yes x No

8. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to September 1, 2007? _____ Yes x No


ADAM S. FELS
ASSISTANT UNITED STATES ATTORNEY
COURT NO. A5501040

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: ENDER ENRIQUE SOTO HERNANDEZ

Case No: _____

Count #: 1

Conspiracy

Title 18, United States Code, Section 371

***Max. Penalty:** 5 years' imprisonment.

Counts #: 2

Engaging in Business of Dealing Firearms Without a License

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

*** Max. Penalty:** 5 years' imprisonment.

Count #: 3

Smuggling Firearms and Ammunition from the United States

Title 18, United States Code, Section 554(a)

***Max. Penalty:** 10 years' imprisonment.

Count #: 4

Arms Export Control Act Violation

Title 22, United States Code, Sections 2778(b)(2) and (c)

***Max. Penalty:** 20 years' imprisonment.

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Count #: 5

Smuggling Firearms and Ammunition from the United States

Title 18, United States Code, Section 554(a)

***Max. Penalty:** 10 years' imprisonment.

Counts #: 6

Arms Export Control Act Violation

Title 22, United States Code, Sections 2778(b)(2) and (c)

*** Max. Penalty:** 20 years' imprisonment.

Count #: 7

Attempted Smuggling Firearms and Ammunition from the United States

Title 18, United States Code, Section 554(a)

***Max. Penalty:** 10 years' imprisonment.

Count #: 8

Arms Export Control Act Violation

Title 22, United States Code, Sections 2778(b)(2) and (c)

***Max. Penalty:** 20 years' imprisonment.

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: ENDER ALBERTO SOTO HERNANDEZ

Case No: _____

Count #: 1

Conspiracy

Title 18, United States Code, Section 371

***Max. Penalty:** 5 years' imprisonment.

Counts #: 2

Engaging in Business of Dealing Firearms Without a License

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

*** Max. Penalty:** 5 years' imprisonment.

Count #: 7

Attempted Smuggling Firearms and Ammunition from the United States

Title 18, United States Code, Section 554(a)

***Max. Penalty:** 10 years' imprisonment.

Count #: 8

Arms Export Control Act Violation

Title 22, United States Code, Sections 2778(b)(2) and (c)

***Max. Penalty:** 20 years' imprisonment.

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: LUIS ANTONIO URDANETA POZO

Case No: _____

Count #: 1

Conspiracy

Title 18, United States Code, Section 371

***Max. Penalty:** 5 years' imprisonment.

Counts #: 2

Engaging in Business of Dealing Firearms Without a License

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

*** Max. Penalty:** 5 years' imprisonment.

Count #: 3

Smuggling Firearms and Ammunition from the United States

Title 18, United States Code, Section 554(a)

***Max. Penalty:** 10 years' imprisonment.

Count #: 4

Arms Export Control Act Violation

Title 22, United States Code, Sections 2778(b)(2) and (c)

***Max. Penalty:** 20 years' imprisonment.

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Count #: 5

Smuggling Firearms and Ammunition from the United States

Title 18, United States Code, Section 554(a)

***Max. Penalty:** 10 years' imprisonment.

Counts #: 6

Arms Export Control Act Violation

Title 22, United States Code, Sections 2778(b)(2) and (c)

*** Max. Penalty:** 20 years' imprisonment.

Count #: 7

Attempted Smuggling Firearms and Ammunition from the United States

Title 18, United States Code, Section 554(a)

***Max. Penalty:** 10 years' imprisonment.

Count #: 8

Arms Export Control Act Violation

Title 22, United States Code, Sections 2778(b)(2) and (c)

***Max. Penalty:** 20 years' imprisonment.

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: WILMER ONELIS HINESTROZA PEREIRA

Case No: _____

Count #: 1

Conspiracy

Title 18, United States Code, Section 371

***Max. Penalty:** 5 years' imprisonment.

Counts #: 2

Engaging in Business of Dealing Firearms Without a License

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

*** Max. Penalty:** 5 years' imprisonment.

Count #: 3

Smuggling Firearms and Ammunition from the United States

Title 18, United States Code, Section 554(a)

***Max. Penalty:** 10 years' imprisonment.

Count #: 4

Arms Export Control Act Violation

Title 22, United States Code, Sections 2778(b)(2) and (c)

***Max. Penalty:** 20 years' imprisonment.

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: ALCIBIADES DeJESUS PALMAR NARVAEZ

Case No: _____

Count #: 1

Conspiracy

Title 18, United States Code, Section 371

***Max. Penalty: 5 years' imprisonment.**

Counts #: 2

Engaging in Business of Dealing Firearms Without a License

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

*** Max. Penalty: 5 years' imprisonment.**

Count #: 3

Smuggling Firearms and Ammunition from the United States

Title 18, United States Code, Section 554(a)

***Max. Penalty: 10 years' imprisonment.**

Count #: 4

Arms Export Control Act Violation

Title 22, United States Code, Sections 2778(b)(2) and (c)

***Max. Penalty: 20 years' imprisonment.**

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Count #: 5

Smuggling Firearms and Ammunition from the United States

Title 18, United States Code, Section 554(a)

***Max. Penalty:** 10 years' imprisonment.

Counts #: 6

Arms Export Control Act Violation

Title 22, United States Code, Sections 2778(b)(2) and (c)

*** Max. Penalty:** 20 years' imprisonment.

Count #: 7

Attempted Smuggling Firearms and Ammunition from the United States

Title 18, United States Code, Section 554(a)

***Max. Penalty:** 10 years' imprisonment.

Count #: 8

Arms Export Control Act Violation

Title 22, United States Code, Sections 2778(b)(2) and (c)

***Max. Penalty:** 20 years' imprisonment.

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