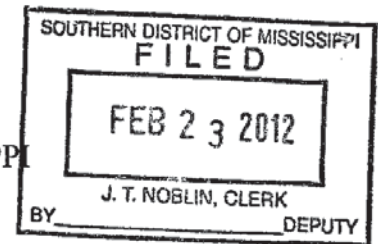


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION



UNITED STATES OF AMERICA

v.

JAVIER MOLINA and
JOSE LUIS SANTOS-GARCIA

First Superseding Indictment

CRIMINAL NO. 1:11cr103HSO-JMR

18 U.S.C. § 371
18 U.S.C. § 554
22 U.S.C. § 2778

The Grand Jury charges:

COUNT 1

That from on or about June 12, 2010 and continuing until on or about November 2011, in Jackson County in the Southern Division of the Southern District of Mississippi, and elsewhere, the defendants, **JAVIER MOLINA and JOSE LUIS SANTOS-GARCIA**, did knowing and willfully conspire with each other and with others known and unknown to the Grand Jury, to commit offenses against the United States as follows:

Smuggling in violation of Section 554, Title 18, United States Code.

It was a part of the conspiracy that the defendants would fraudulently and knowingly receive, conceal, and facilitate the transportation and concealment of firearms, ammunition, scopes, barrels, gun stocks, flak jackets, and magazines, knowing said articles to be intended for exportation from the United States to Mexico, contrary to any law or regulation of the United States.

In furtherance of the conspiracy and to carry out its objectives, the following overt acts, among others, were committed:

1. On August 31, 2011, **SANTOS-GARCIA** drove a motor vehicle in which three (3)

flak jackets and two (2) pistols were concealed, from North Carolina with the knowledge that the items would be transported to Mexico.

2. On November 1, 2011, **MOLINA** drove a motor vehicle in which 9 rifles, 5 shotguns, 8 pistols, 902 rounds of ammunition, 16 magazines, 5 shotgun barrels, 6 gun stocks and 2 scopes were concealed with the intent to transport said items to Mexico.

All in violation of Sections 371 and 2, Title 18, United States Code.

COUNT 2

From on or about June 12, 2010 and continuing through November 1, 2011, in Jackson County in the Southern Division of the Southern District of Mississippi, and elsewhere, the defendants, **JAVIER MOLINA and JOSE LUIS SANTOS-GARCIA**, aided and abetted by each other and others known and unknown to the Grand Jury, did fraudulently and knowingly attempt to export and send from the United States to Mexico, a place outside the United States, and did receive, conceal, buy, sell, and did facilitate the transportation, concealment and sale of merchandise, articles and objects, that is, firearms, knowing the same to be intended for exportation contrary to a law and regulation of the United States.

In violation of Sections 554 and 2, Title 18 United States Code.

COUNT 3

From on or about June 12, 2010 and continuing through November 1, 2011, in Jackson County in the Southern Division of the Southern District of Mississippi, and elsewhere, the defendants, **JAVIER MOLINA and JOSE LUIS SANTOS-GARCIA**, aided and abetted by each other and others known and unknown to the Grand Jury, knowingly and willfully attempted to export and cause to be exported from the United States to Mexico a defense article, which was designated

as a defense article 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 Sections 2778 (b)(2) and 2778 (c), Title 22, United States Code and Sections 121.1, 123.1, and 127.1, Title 22, Code of Federal Regulations.

NOTICE OF INTENT TO SEEK CRIMINAL FORFEITURE


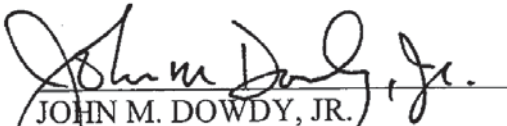
As a result of committing the offenses as alleged in this Indictment, the defendants shall forfeit to the United States all property involved in or traceable to property involved in the offenses, including but not limited to all proceeds obtained directly or indirectly from the offenses, and all property used to facilitate the offenses.

The grand jury has determined that probable cause exists to believe that the following property is subject to forfeiture as a result of one or more of the offenses alleged in this indictment:

- 10 pistols
- 9 rifles
- 5 shotguns
- 16 magazines
- 6 gun stocks
- 5 shotgun barrels
- 2 scopes
- 902 miscellaneous rounds of ammunition

Further, if any property described above, 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 party; (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 divided without difficulty, then it is the intent of the United States to seek a judgment of forfeiture of any other property of the defendant, up to the value of the property described in this notice or any bill of particulars supporting it.

All pursuant to Section 981(a)(1)(C), Title 18, United States Code, Section 401, Title 22,
United States Code and Section 2461, Title 28, United States Code.



JOHN M. DOWDY, JR.
United States Attorney

A TRUE BILL:
S/Signature Redacted
Foreperson of the Grand Jury

This indictment was returned in open court by the foreperson or deputy foreperson of the grand jury
on this the 23rd day of February, 2012.


UNITED STATES MAGISTRATE JUDGE

CRIMINAL CASE COVER SHEET

U.S. District Court

PLACE OF OFFENSE:

1:11 CR 103 HSO-JMR

CITY: _____

COUNTY: JACKSON

RELATED CASE INFORMATION:

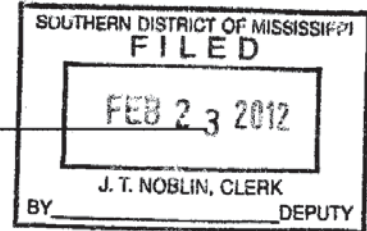
SUPERSEDING INDICTMENT X DOCKET #1:11CR103HSO-JMR-1
SAME DEFENDANT X NEW DEFENDANT _____
MAGISTRATE JUDGE CASE NUMBER 1:11MJ547
R 20/ R 40 FROM DISTRICT OF _____

DEFENDANT INFORMATION:

JUVENILE: YES X NO

MATTER TO BE SEALED: YES X NO

NAME/ALIAS: JAVIER MOLINA



U.S. ATTORNEY INFORMATION:

AUSA ANNETTE WILLIAMS BAR # 9641

INTERPRETER: NO X YES LIST LANGUAGE AND/OR DIALECT: SPANISH

LOCATION STATUS: ARREST DATE 11/2/11

X ALREADY IN FEDERAL CUSTODY AS OF 11/2/11
ALREADY IN STATE CUSTODY
ON PRETRIAL RELEASE

U.S.C. CITATIONS

TOTAL # OF COUNTS: 3 PETTY MISDEMEANOR 3 FELONY

(CLERK'S OFFICE USE ONLY)	INDEX KEY/CODE	DESCRIPTION OF OFFENSE CHARGED	COUNT(S)
Set 1 18:371.F	18 USC 371	CONSPIRACY TO SMUGGLE GOODS FROM THE UNITED STATES	1
Set 2 18:554.F	18 USC 554	SMUGGLING GOODS FROM THE UNITED STATES	2
Set 3 22:2778.F	22 USC 2778	ATTEMPTED EXPORTATION OF ARMS & MUNITIONS	3

Date: 2/23/12

SIGNATURE OF AUSA: Annette Williams by JMO

1:11CR103 HSO-JMR

CRIMINAL CASE COVER SHEET

U.S. District Court
PLACE OF OFFENSE:

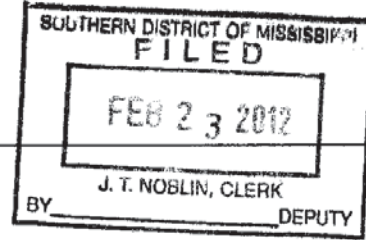
CITY: _____
COUNTY: JACKSON _____

RELATED CASE INFORMATION:

SUPERSEDING INDICTMENT DOCKET #1:11CR103HSO-JMR-2
SAME DEFENDANT NEW DEFENDANT _____
MAGISTRATE JUDGE CASE NUMBER 1:11MJ548
R 20/ R 40 FROM DISTRICT OF _____

DEFENDANT INFORMATION:

JUVENILE: YES NO
MATTER TO BE SEALED: YES NO
NAME/ALIAS: JOSE LUIS SANTOS-GARCIA



U.S. ATTORNEY INFORMATION:

AUSA ANNETTE WILLIAMS BAR # 9641
INTERPRETER: NO YES LIST LANGUAGE AND/OR DIALECT: SPANISH

LOCATION STATUS: ARREST DATE 11/2/11
 ALREADY IN FEDERAL CUSTODY AS OF 11/2/11
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U.S.C. CITATIONS

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Set 3 <u>22:2778.F</u>	<u>22 USC 2778</u>	<u>ATTEMPTED EXPORTATION OF ARMS & MUNITIONS</u>	<u>3</u>

Date: 2/23/12 SIGNATURE OF AUSA Annette Williams by JMD