

Page 1 of 3
 LODGED
 RECEIVED COPY
OCT 16 2012
CLERK U S DISTRICT COURT
DISTRICT OF ARIZONA
BY _____ DEPUTY

REDACTED FOR
PUBLIC DISCLOSURE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

CR-12-1776-PHX-JAT (MHB)

INDICTMENT

United States of America,
Plaintiff,
v.
Ramon Avitia,
Defendant.

VIO: 18 U.S.C. § 554(a)
(Attempted Unlawful Export)
Count 1

18 U.S.C. § 1001(a)(2)
(False Statement or
Representation to a Department or
Agency of the United States)
Count 2

19 U.S.C. § 924(d) and 28
U.S.C. § 2461(c)
(Forfeiture Allegations)

THE GRAND JURY CHARGES:

COUNT 1

On or about October 11, 2012, at or near San Luis, Arizona, in the District of Arizona, RAMON AVITIA, knowingly attempted to export and send from the United States any merchandise, article, or object contrary to any law or regulation of the United States, and received, concealed, bought, sold, and in any manner facilitated the transportation, concealment, and sale of such merchandise, article or object, prior to exportation, to wit: (a) two (2) AK-47 type assault rifles; (b) one (1) AK-47 type pistol; (c) three (3) high capacity magazines; (d) one (1) standard magazine; and (e) a rifle forward grip, knowing the same to be intended for exportation contrary to any law or regulation of the United States, to wit: Title 22, United States Code, Section 2778 and Title 22, Code of Federal Regulations, Sections 121.1, 123.1, and 127.1.

All in violation of Title 18, United States Code, Section 554(a).

COUNT 2

On or about October 11, 2012, at or near San Luis, Arizona, in the District of Arizona, defendant, RAMON AVITIA, did willfully and knowingly make a materially false, fictitious and fraudulent statement and representation in a matter within the jurisdiction of a department or agency of the United States by knowingly and falsely declaring to an Officer of United States Customs and Border Protection, an agency within the United States Department of Homeland Security, which is a department within the executive branch of the United States, that the defendant did not have a firearm in the vehicle which the defendant was operating and in which the defendant was attempting to exit the United States and enter the Republic of Mexico. This statement and representation was false because, as the defendant, RAMON AVITIA, then and there knew, there were in fact firearms concealed in the defendant's vehicle at the time he made such statement and representation.

All in violation of Title 18, United States Code, Section 1001(a)(2).

FORFEITURE ALLEGATIONS

The Grand Jury realleges and incorporates by reference the allegations of Counts 1 and 2 of this Indictment.

Upon conviction of Count 1 or Count 2 of this Indictment, defendant RAMON AVITIA, shall forfeit to the United States of America any property, real or personal, involved in such offense, and any property traceable to such property. The property to be forfeited includes, but is not limited to, the following:

- a. A 1993 Green Jeep Grand Cherokee bearing Arizona license plate number AVX7005 and VIN number 1J4GX58S6PC643386;
- b. Two AK-47 assault rifles;
- c. One AK-47 pistol;
- d. Three high-capacity magazines;
- e. A standard magazine; and
- f. A forward pistol grip.

1 All pursuant to Title 18, United States Code, Section 924(d), Title 28 United States Code,
2 Section 2461(c), and Rule 32.2(a), Federal Rules of Criminal Procedure.

3
4 A TRUE BILL

5 /S/

6
7 FOREPERSON OF THE GRAND JURY
Date: October 16, 2012

8
9 JOHN S. LEONARDO
United States Attorney
District of Arizona

10 /S/

11
12 MARK J. WENKER
Assistant United States Attorney