

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

No. 08-2342-SJB

UNITED STATES OF AMERICA

vs.

MARIO JOSE MEJIA,

Defendant.


_____ /

CRIMINAL COVER SHEET

1. Did this matter originate from a matter pending in the United States Attorney's Office prior to April 1, 1999? Yes No
If yes, was it pending in the Central Region?
 Yes No
2. Did this matter originate from a matter pending in the United States Attorney's Office prior to April 1, 2003? Yes No
3. Did this matter originate from a matter pending in the Narcotics Section (Miami) of the United States Attorney's Office prior to May 18, 2003? Yes No
4. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to October 14, 2003? Yes No
5. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to September 1, 2007? Yes No

Respectfully submitted,

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

BY: 
 JAMES M. KOUKIOS
 ASSISTANT UNITED STATES ATTORNEY
 Court I.D. No. A5500915
 99 N. E. 4th Street, 6th Floor
 Miami, Florida 33132-2111
 Tel: (305) 961-9324
 Fax: (305) 530-7976

United States District Court

SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

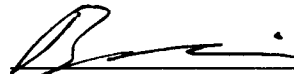
MARIO JOSE MEJIA,

Defendant.

CASE NUMBER: 08-2342-57B

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 March 17, 2008, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant, MARIO JOSE MEJIA, did knowingly and willfully deliver and cause to be delivered to a common carrier for transportation and shipment in interstate and foreign commerce to a person, other than a licensed firearm importer, manufacturer, dealer or collector, a package or container containing a firearm without written notice to the carrier that such firearm was being transported and shipped, in violation of Title 18, United States Code, Sections 922(e) and 924(a)(1)(D).

I further state that I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives and that this complaint is based on the facts contained in the attached affidavit.

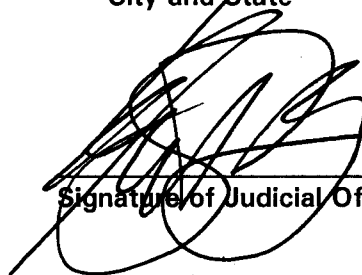

BRYAN MILLER, SPECIAL AGENT
BUREAU OF ALCOHOL, TOBACCO,
FIREARMS AND EXPLOSIVES
MARCH 19, 2008

Sworn to before me, and subscribed in my presence,

March 19, 2008
Date

at Miami, Florida
City and State

STEPHEN T. BROWN
UNITED STATES MAGISTRATE JUDGE
Name and Title of Judicial Officer


Signature of Judicial Officer

AFFIDAVIT

I, Bryan Miller, being duly sworn, depose and state that:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") and have been so employed for over four and a half years. As an ATF Special Agent, I have participated in numerous investigations involving the unlawful possession and/or transfer of firearms. Prior to joining ATF, I was employed as a Police Officer with the Pensacola Police Department for approximately six and a half years.

2. I received the information contained in this affidavit in my official capacity as a result of both my own investigation and that of other law enforcement officers. Because this affidavit is submitted for the limited purpose of establishing probable cause for a criminal complaint, it does not include every fact known by me in connection with this investigation.

3. From June 13, 2007 through September 18, 2007, ATF received the following multiple sales reports for firearms purchases made by Mario Jose MEJIA at Federal Firearms Licensees ("FFL") in Miami-Dade County:

- December 1, 2005, National Gun in Miami, FL, two Smith & Wesson pistols;
- March 8, 2007, Lou's Police Supply in Hialeah, FL, two FII pistols and two Glock pistols;
- June 13, 2007, Lou's Police Supply in Hialeah, FL, two FN 5.7 pistols and one Beretta pistol;
- June 14, 2007, Benhart Enterprises in Hialeah, FL, four FN 5.7 pistols;
- September 12, 2007, Gabino Delgado in Hialeah, FL, one FN 5.7 and one Beretta pistol; and
- September 18, 2007, Benhart Enterprises in Hialeah, FL, four FN 5.7 pistols, three Beretta pistols, and one Glock pistol.

The Glocks, Berettas, Smith & Wesson and FN pistols are high quality pistols that range in price from \$500 to \$1000 each.

4. From December 2007 through February 2008, MEJIA's sister, Jenny Mejia de Hernandez ("HERNANDEZ") ordered several firearms from Ace's Indoor Range and Pro Gun Shop ("Ace's"), an FFL in Miami-Dade County. In December 2007, HERNANDEZ ordered from Ace's three firearms—an FN 5.7 pistol, a Glock Model 26 pistol, and an AR-15 rifle—which she claimed to be buying for her boyfriend for

Christmas. On January 23, 2008, HERNANDEZ ordered another FN 5.7 pistol from Ace's. On February 27, 2008, HERNANDEZ returned to Ace's and ordered another FN 5.7 pistol.

5. On February 28, 2008, HERNANDEZ returned to Ace's and indicated that she was interested in acquiring six Bushmaster .223 caliber pistols, which are essentially AR-15 rifles with a very short barrel and no shoulder stock. HERNANDEZ stated that she wished to put the six Bushmaster pistols on layaway and placed a \$900 deposit on the pistols. HERNANDEZ stated that, although she was the person who was placing the firearms on layaway, someone else would be coming into the store to place his name on the ATF Form 4473 "Firearms Transaction Record," which must be executed for every firearm sale at an FFL. HERNANDEZ stated that the person who would be completing the ATF Form 4473 to obtain the Bushmaster pistols was her brother, Mario Jose MEJIA, 3145 SE 20th Avenue, Naples, Florida, 34117. On March 6, 2008, HERNANDEZ returned to Ace's, picked up the FN 5.7 pistol that she had ordered on February 27 and placed an additional \$570 down on the six Bushmaster pistols that she had placed on layaway on February 28.

6. On March 10, 2008, HERNANDEZ and MEJIA entered Ace's together. MEJIA indicated that he was the person for whom HERNANDEZ had placed the six Bushmaster pistols on layaway on February 28. HERNANDEZ and MEJIA both expressed an interest in adding additional firearms to that order. Specifically, HERNANDEZ added a Sig Sauer pistol to the order, and MEJIA expressed an interest in adding an FN 5.7 pistol to his order. But after asking whether adding the FN 5.7 would be a problem or raise any "red flags," MEJIA stated that he would purchase the FN 5.7 at a later date. MEJIA then saw an FN PS90 carbine, which fires the same ammunition as the FN 5.7 pistol but needs not be reported on a Multiple Sales Report, and added this firearm to his previous order of six Bushmaster pistols. MEJIA then completed an ATF Form 4473 for the six Bushmaster pistols and one FN PS90 carbine. HERNANDEZ placed approximately \$1000 down for the Bushmasters and the Sig, and MEJIA paid approximately \$400 as a deposit for the FN PS90.

7. On March 18, 2008, a representative of Ace's called ATF special agents and stated that MEJIA was in the gun store to pick-up the firearms. Agents arrived at Ace's a short time later and observed MEJIA exit Ace's carrying a large box, which he placed into the right rear door of a white Nissan Titan pickup truck. MEJIA then went back into the store, exiting a few moments later with additional boxes of firearms, which he placed in the same location in the truck.

8. Agents approached MEJIA at his truck and detained him for questioning. An ATF Task Force Officer (TFO) explained to MEJIA in Spanish that he was not under arrest but that he was being handcuffed for the officer's safety in light of the fact that he was currently in possession of numerous firearms. The TFO continued by saying that he (the TFO) was going to pat him down, and MEJIA agreed. The TFO emphasized, in Spanish, that MEJIA was not under arrest but that agents wished to speak with him about the numerous guns he had purchased. MEJIA acknowledged his understanding that he

was not under arrest and advised that he was willing to speak to agents. The TFO asked MEJIA if he was willing to accompany the agents to the office to talk about the guns, and MEJIA said that he was willing to do so. The TFO again told MEJIA that he was not under arrest but that, because he would be riding in an unmarked police vehicle, which does not have a cage or other prisoner transporting equipment, he would have to keep the handcuffs on. MEJIA stated that he understood and again stated that he wanted to cooperate.

9. Agents transported MEJIA to the ATF office and read him his *Miranda* Rights, in Spanish, which MEJIA waived. Following his *Miranda* waiver, MEJIA stated, in summary, the following: On March 9, 2008, MEJIA came into the United States from Honduras with \$9,000, which he was supposed to use to purchase car parts to send back to Honduras. Instead, MEJIA used the money to purchase firearms. On four different occasions, MEJIA traveled to Honduras by air with one of these firearms in his checked luggage. MEJIA clandestinely shipped the remainder of the firearms to Honduras from a shipping company; MEJIA concealed the firearms in packages sent to Honduras but did not declare the firearms to the shipper.

10. MEJIA consented to a search of his truck. Inside the truck, agents discovered 11 firearms in the back seat: seven Bushmaster .223 caliber pistols; two FN PS90 carbines; one FN 5.7 pistol; and one AR-15 .223 caliber rifle. Agents also discovered seven receipts for 23 additional firearms purchased by MEJIA in Miami-Dade County from June 5, 2007 through March 11, 2008; agents were previously unaware of these purchases because the manner in which MEJIA purchased them generally did not require the FFLs to automatically report the purchase to ATF in a standard multiple sales report. Agents also discovered six receipts for items shipped from Rapido Cargo Inc. in Miami, FL, from June 6, 2007 through March 17, 2008, and two receipts for items shipped from Royal Shipping Line in Hialeah, FL, on September 11, 2007 and March 14, 2008.

11. Including the 11 firearms recovered from MEJIA's truck, the 23 firearms reflected in the multiple sales reports discussed in paragraph 3, and the 23 firearms reflected in the seven receipts recovered from MEJIA's truck that were not reflected in the multiple sales reports, MEJIA purchased approximately 57 firearms in Miami-Dade County, FL, since December 2005, with the majority having been purchased after June 2007. Approximately 21 of these firearms were FN 5.7 pistols, and approximately two were FN PS90 carbines. Approximately seven of these firearms were Bushmaster .223 caliber pistols.

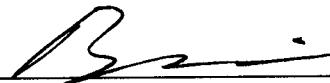
12. On March 18, 2008, ATF agents and an ICE agent went to Rapido Cargo, located in Miami, FL, based on the shipping documents found in MEJIA's truck. One of those documents indicated that, on March 17, 2008, MEJIA had delivered to Rapido Cargo a sofa and other items to be shipped to Honduras. When agents arrived at Rapido Cargo, they discovered that the shipment was still there, and one of the employees said that she recalled MEJIA delivering the sofa to Rapido Cargo and that MEJIA had not informed them that the sofa contained firearms. The ICE agent searched the sofa and discovered a false bottom compartment made out of the cardboard gun boxes. Inside the false

compartment, agents discovered five Bushmaster .223 caliber pistols and two FN 5.7 pistols.

13. The serial numbers on two of the five Bushmaster pistols found in the false compartment matched the serial numbers on one of the receipts, dated March 10, 2008 in MEJIA's name, found in MEJIA's truck. The serial number of one of the FN pistols discovered in the false compartment matched the serial number on one of the receipts, dated March 17, 2008 in the name of "Arturo Ruiz Jr.," found in MEJIA's truck.

14. Based on the aforementioned information and investigation, I respectfully submit that there is probable cause to believe that Mario Jose MEJIA violated Title 18, United States Code, Section 922(e) in that, MEJIA delivered to a common carrier for transportation in interstate or foreign commerce, firearms, without notifying the common carrier.

FURTHER AFFIANT SAYETH NAUGHT



BRYAN MILLER, SPECIAL AGENT
BUREAU OF ALCOHOL, TOBACCO,
FIREARMS AND EXPLOSIVES

Sworn and subscribed to me
this 19th day of March, 2008.



STEPHEN T. BROWN
UNITED STATES MAGISTRATE JUDGE