

SEALED

FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA

09 MAY 21 PM 1:34

OFFICE OF THE CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 MARTIN NORIEGA-NAVARRO, a/k/a Tio,)
)
 Defendant.)

8:09CR 212

INDICTMENT
[21 U.S.C. § 846
18 U.S.C. § 922(d) & 924(a)(2)
18 U.S.C. § 922(g)(1)
18 U.S.C. § 924(d)
28 U.S.C. § 2461(c)]

The Grand Jury Charges:

COUNT I

Beginning from an unknown date but at least as early as on or about March 30, 2009, and continuing through the present, in the District of Nebraska and elsewhere, MARTIN NORIEGA-NAVARRO, a/k/a Tio, defendant herein, did knowingly and intentionally combine, conspire, confederate and agree with other persons, both known and unknown to the grand jury, to distribute and possess with intent to distribute 50 grams or more of methamphetamine (actual), its salts, isomers, and salts of its isomers, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and Title 21, United States Code, Section 841(b)(1).

In violation of Title 21, United States Code, Section 846.

COUNT II

On or about March 31, 2009, in the District of Nebraska, the defendant, MARTIN NORIEGA-NAVARRO, a/k/a Tio, having been convicted on ~~November 30, 1997~~ ^{entered his plea on November 20, 1997} in the San Bernardino County Municipal Court, San Bernardino County, California, of a crime punishable by imprisonment for a term exceeding one year, to wit: possession of a controlled substance, did

[Handwritten signature]
AED 5-21-09

knowingly possess in and affecting commerce, a firearm which had been shipped and transported in interstate commerce, to wit: an SKS assault rifle, serial# V694809.

In violation of Title 18, United States Code, Section 922(g)(1) and 924(a)(2).

COUNT III

On or about April 6, 2009, in the District of Nebraska, the defendant, MARTIN NORIEGA-NAVARRO, a/k/a Tio, knowingly sold a firearm, that is, an SKS assault rifle, serial# J73338 and a Mossberg 12 gauge shotgun, serial# R826532, to a confidential informant, knowing and having reasonable cause to believe that said confidential informant had been convicted of a crime punishable by imprisonment for a term exceeding one year, in violation of Title 18, United States Code, Sections 922(d) and 924(a)(2).

COUNT IV

On or about April 13, 2009, in the District of Nebraska, the defendant, MARTIN NORIEGA-NAVARRO, a/k/a Tio, knowingly sold a firearm, that is, a Remington Model 1100 .12 gauge semi-automatic shotgun, serial# M922295V; a Hi-Standard Sport King, Model 103, .22 caliber pistol, serial# 2065665; and a Colt .45 caliber revolver, to a confidential informant, knowing and having reasonable cause to believe that said confidential informant had been convicted of a crime punishable by imprisonment for a term exceeding one year, in violation of Title 18, United States Code, Sections 922(d) and 924(a)(2).

COUNT V

On or about April 15, 2009, in the District of Nebraska, the defendant, MARTIN NORIEGA-NAVARRO, a/k/a Tio, knowingly sold a firearm, that is, a Universal M1 .30 caliber carbine rifle; an Intratec DC9 9mm pistol, serial# D067762; and a Russian Makarov 9mm pistol, serial# J040682, to a confidential informant, knowing and having reasonable cause to believe that

said confidential informant had been convicted of a crime punishable by imprisonment for a term exceeding one year, in violation of Title 18, United States Code, Sections 922(d) and 924(a)(2).

COUNT VI

On or about April 16, 2009, in the District of Nebraska, the defendant, MARTIN NORIEGA-NAVARRO, a/k/a Tio, knowingly sold a firearm, that is, a Romarm SA Cugir, Model WASR-2, 5.45X39mm Romanian made firearm, serial# 2-18469-06, to a confidential informant, knowing and having reasonable cause to believe that said confidential informant had been convicted of a crime punishable by imprisonment for a term exceeding one year, in violation of Title 18, United States Code, Sections 922(d) and 924(a)(2).

COUNT VII

On or about May 12, 2009, in the District of Nebraska, the defendant, MARTIN NORIEGA-NAVARRO, a/k/a Tio, knowingly sold firearms, that is, a Colt MK4 Model 80 .380 caliber handgun, serial# MS01269 and a Steyr .40 caliber handgun, serial# 004963, to a confidential informant, knowing and having reasonable cause to believe that said confidential informant had been convicted of a crime punishable by imprisonment for a term exceeding one year, in violation of Title 18, United States Code, Sections 922(d) and 924(a)(2).

COUNT VIII

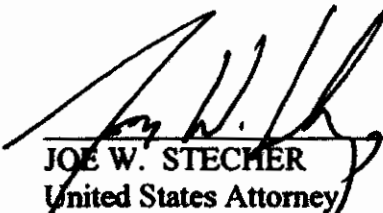
Upon conviction of the offenses charged in Counts II, III, IV, V, VI, and VII set forth herein, any and all interest MARTIN NORIEGA-NAVARRO, a/k/a Tio, defendant herein, has in an SKS assault rifle, serial# V694809; an SKS assault rifle, serial# J73338; a Mossberg 12 gauge shotgun, serial# R826532; a Remington Model I100 .12 gauge semi-automatic shotgun, serial# M922295V; a Hi-Standard Sport King, Model 103, .22 caliber pistol, serial# 2065665; a Colt .45 caliber revolver; a Universal M1 .30 caliber carbine rifle; an Intratec DC9 9mm pistol, serial#

D067762; a Russian Makarov 9mm pistol, serial# J040682; a Romarm SA Cugir, Model WASR-2, 5.45X39mm Romanian made firearm, serial# 2-18469-06; a Colt MK4 Model 80 .380 caliber handgun, serial# MS01269; and a Steyr .40 caliber handgun, serial# 004963 which had been shipped and transported in interstate and foreign commerce, firearms involved or used in the knowing commission of the offense alleged in Counts II, III, IV, V, VI, and VII are hereby vested in the United States and forfeited to the same.

In violation of Title 18, United State Code, Section 924(d) and Title 28, United States Code, Section 2461(c).

A TRUE BILL:


FOREPERSON



JOE W. STECHER
United States Attorney

The United States of America requests that trial of this case be held at Omaha, Nebraska, pursuant to the rules of this Court.



ANDREA E. BELGAU
Assistant U.S. Attorney