

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

JUN - 7 2011

Clerk of Court

1) United States of America)
 v.)
 Miguel Avendano-Reyna (YOB: 1976; Mexico),)
 and)
 2) Jose Resendez-Olivares (YOB: 1973; Mexico))
 _____)
 Defendant(s)

Case No. M-11-2045-M

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 6, 2011 in the county of Hidalgo in the Southern District of Texas, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
8 USC 1326	Illegal Alien Found in the United States Following Deportation; and
18 USC 922(g)(5)	Illegal Alien in Possession of Ammunition

This criminal complaint is based on these facts:

being an alien who had been officially deported and removed from the United States, knowingly and voluntarily re-entered and remained in the United States without having obtained permission from the Attorney General or his designated successor, the Secretary for Homeland Security, to reapply for admission to the United States following the the defendant's deportation and removal; and being an alien who is illegally or unlawfully in the United States who

Continued on the attached sheet.

Approved by: Anibal B. Alaniz
AUSA

Sean Greene
Complainant's signature
Sean Greene, Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: 6/7/2011
City and state: McAllen, TX

Dorina Ramos
Judge's signature
Dorina Ramos, Magistrate Judge
Printed name and title

Attachment A

knowingly and intentionally conspired to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

On June 6, 2011, San Juan Police Department officers initiated a traffic stop of a vehicle at the intersection of I Road and Business 83 in San Juan, Texas. The occupants exited the vehicle and attempted to flee from the officers. A foot chase ensued and both subjects were subsequently apprehended. Officers searched the vehicle subsequent to arrest and discovered approximately 1,700 rounds of .50 BMG caliber ammunition in green, metal military-type ammunition boxes with labels on the exterior indicating the contents, as well as an unzipped black duffle bag in the backseat area. The ammunition inside the open duffle bag was readily visible to all occupants within the vehicle.

Officers identified the driver of the vehicle as Miguel Angel AVENDANO-Reyna. Checks of law enforcement and Department of Homeland Security indices revealed that AVENDANO was a previously deported alien who was formally removed from the United States to Mexico on September 2, 2010. No record of AVENDANO applying for or receiving permission to legally re-enter the United States was located.

Officers identified the passenger of the vehicle as Jose Luis RESENDEZ-Olivares. Checks of law enforcement and Department of Homeland Security indices revealed that RESENDEZ was a previously deported alien who was formally removed from the United States to Mexico on November 4, 2010. No record of RESENDEZ applying for or receiving permission to legally re-enter the United States was located.

Officers advised AVENDANO of his Miranda Rights and the subject waived his right to counsel and agreed to answer the officers' questions. During the course of the interview, AVENDANO stated that he knew that he was in possession of ammunition. AVENDANO further stated that he had agreed to deliver it to an unidentified individual in Hidalgo County for payment of \$250.00 (USD). AVENDANO stated that he suspected the ammunition was ultimately destined for Mexico. AVENDANO stated that he was residing illegally in the United States and that he was prohibited from possessing the ammunition.

Attachment A

AVENDANO stated that he re-entered the United States illegally in October 2010, by crossing the Rio Grande River close to Brownsville, Texas.

AVENDANO stated that he did not receive permission to re-enter the United States.

Officers advised RESENDEZ of his Miranda Rights and the subject waived his right to counsel and agreed to answer the officers' questions. During the course of the interview, RESENDEZ stated that prior to being stopped by officers, he and AVENDANO had picked up and loaded the ammunition boxes found in the vehicle at the time of the traffic stop from a residence in the San Juan, Texas area. RESENDEZ stated that AVENDANO drove him to the aforementioned residence and ask for his help loading the boxes. RESENDEZ claimed to have no knowledge of the contents of the boxes but readily admitted to loading them into the vehicle.

RESENDEZ stated that he re-entered the United States illegally in April 2011, by crossing the Rio Grande River close to Donna, Texas. RESENDEZ stated that he did not receive permission to re-enter the United States.