

JUDGE DAVID BRIONES

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

2012 APR 18 PM 4:51

U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA,

SEALED

Plaintiff,

CRIMINAL NO. EP-12-CR- _____

v.

INDICTMENT

HECTOR AYALA,

Defendant.

- Vio: CTS 1-2: 18:554 - Facilitate the Smuggling of Goods from the U.S.
- Vio: CTS 3-4: 22:2778 - Exporting Arms/Munitions without a License
- Vio: CT 5: 18:1956(a)(3)(A) - Laundering Monetary Instruments
- Vio: CT 6: 18:1956(a)(1)(B)(ii) - Laundering Monetary Instruments

EP 12CR0913

THE GRAND JURY CHARGES:

COUNT ONE
(18 U.S.C. § 554)

That beginning on or about September 1, 2009, and continuing to and including on about December 3, 2011, in the Western District of Texas, Defendant,

HECTOR AYALA,

knowingly and unlawfully concealed and facilitated the transportation and concealment of any merchandise, an article, and object, prior to exportation, knowing the same to be intended for exportation from the United States contrary to any law and regulation of the United States, to-wit; multiple calibers and quantities of ammunition, all in violation of Title 18, United States Code, Section 554.

COUNT TWO
(18 U.S.C. § 554)

That beginning on or about September 1, 2009, and continuing to and including on about December 3, 2011, in the Western District of Texas, Defendant,

HECTOR AYALA,

knowingly and unlawfully concealed and facilitated the transportation and concealment of any merchandise, an article, and object, prior to exportation, knowing the same to be intended for exportation from the United States contrary to any law and regulation of the United States, to-wit: three hundred, more or less high capacity ammunition magazines and drums, all in violation of Title 18, United States Code, Section 554.

COUNT THREE
(22 U.S.C. §§ 2778(b), 2778(c))

That beginning on or about September 1, 2009, and continuing to and including on about December 3, 2011, in the Western District of Texas, Defendant,

HECTOR AYALA,

knowingly, intentionally and unlawfully exported and caused to be exported from the United States items which were designated as defense articles and had been so designated on the United States Munitions List, category X (a)(1); to-wit eight hundred, more or less, ballistic vests with ceramic plates, Body Armor Level IV, various manufacturers and models without having first obtained from the Department of State a license for such export or written authorization for such exports, in violation of Title 22, United States Code, Sections 2778(b)(2) and 2778(c) and Title 22, Code of Federal Regulations, Sections 121.1, 121.4, 123.1, 127.1(a), 127.1(c) and 127.3.

COUNT FOUR

(22 U.S.C. §§ 2778(b), 2778(c))

That beginning on or about September 1, 2009, and continuing to and including on about December 3, 2011, in the Western District of Texas, Defendant,

HECTOR AYALA,

knowingly, intentionally and unlawfully exported and caused to be exported from the United States items which were designated as defense articles and had been so designated on the United States Munitions List category I (h); to-wit; three hundred, more or less, high capacity firearm magazines and drums, various makes, models and calibers without having first obtained from the Department of State a license for such export or written authorization for such export, in violation of Title 22, United States Code, Sections 2778(b)(2) and 2778(c) and Title 22, Code of Federal Regulations, Sections 121.1, 121.4, 123.1, 127.1(a), 127.1(c) and 127.3.

COUNT FIVE

(18 U.S.C. §§ 1956(a)(3)(A))

That beginning on or about September 1, 2009, and continuing to and including on about December 3, 2011, in the Western District of Texas, Defendant,

HECTOR AYALA,

knowingly, with the intent to promote the carrying on of specified unlawful activity, did knowingly conduct and attempt to conduct a financial transaction affecting interstate or foreign commerce involving property represented by a law enforcement officer, to be property used to conduct or facilitate specified unlawful activity, that is proceeds from the sales of ammunition and high capacity ammunition magazines illegally exported from the United States into the Republic of Mexico in violation of Title 18 United States Code Section 554, all in violation of Title 18, United States Code, Section 1956(a)(3)(A).

COUNT SIX

(18 U.S.C. § 1956 (a)(1)(B)(ii))

That beginning on or about September 1, 2009, and continuing through and including December 3, 2011, in the Western District of Texas, the defendant,

HECTOR AYALA,

did knowingly conduct and attempt to conduct financial transactions affecting interstate and foreign commerce, to-wit: multiple cash deposits in denominations under ten thousand dollars United States currency into a JP Morgan Chase bank account, which involved the proceeds of a specified unlawful activity, that is Title 18 U.S.C. § 554, Smuggling Goods from the United States, knowing that the transaction were designed in whole and in part to avoid a transaction reporting requirement under Federal law and that while conducting and attempting to conduct such financial transactions knew that the property involved in the financial transaction represented the proceeds of some form of unlawful activity, all in violation of Title 18, United States Code, Section 1956(a)(1) and (B)(ii).

NOTICE OF GOVERNMENT'S DEMAND FOR FORFEITURE
AS TO COUNTS ONE THROUGH FOUR

(18 U.S.C. § 981(a)(1)(C), 19 U.S.C. § 1595a(d), and 28 U.S.C. § 2461(c))

As a result of committing one or more of the offenses set forth in Counts One through Four of this Indictment, Defendant,

HECTOR AYALA,

shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses, and pursuant to 18 U.S.C. § 554, 22 U.S.C. § 2778, 19 U.S.C. § 1595a(d) and 28 U.S.C. § 2461(c), any and all merchandise exported or sent from the United

States and attempted to be exported or sent from the United States contrary to law, and the proceeds and value thereof, and any and all property used to facilitate the exporting or sending of such merchandise, the attempted exporting or sending of such merchandise, and the receipt, purchase, transportation, concealment, or sale of such merchandise prior to exportation, including but not limited to a money judgment representing the amount of proceeds obtained as a result of the offenses.

Substitute Assets Provision

If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

NOTICE OF GOVERNMENT'S DEMAND FOR FORFEITURE
AS TO COUNTS FIVE AND SIX
(18 U.S.C. § 982)

As a result of committing one or more of the offenses set forth in Counts Five and Six of this Indictment, Defendant,

HECTOR AYALA,

shall forfeit to the United States, pursuant to 18 U.S.C. § 982, any property, real or personal,

involved in such offenses, and any property traceable to such property, including but not limited to a money judgment representing the amount of property involved in the offenses.

Substitute Assets Provision

If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 18 U.S.C. § 982(b) and 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

A TRUE BILL.



FOREPERSON OF THE GRAND JURY

ROBERT PITMAN
UNITED STATES ATTORNEY

BY:



GREGORY E. McDONALD
Assistant United States Attorney