

United States District Court

SOUTHERN

United States District Court
Southern District of Texas
DISTRICT FILED

TEXAS

UNITED STATES OF AMERICA

V.

Noe Guadalupe CALVILLO-YoB:1978, Mex.

OCT 21 2007

Michael N. Milby, Clerk

CRIMINAL COMPLAINT

CASE NUMBER:

M-07-5548-M

(Name and Address of Defendant)

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 October 19, 2007 in Hidalgo county, in the Southern District of Texas defendant(s) did, (Track Statutory Language of Offense)

Knowingly and intentionally conspired to attempt to export from the United States, without a license, a Category III, United States Munitions list item(s), to wit: approximately 20,500 rounds of assorted ammunition.

in violation of Title 22 United States Code, Section(s) 2778 and 18 USC 371

I further state that I am a(n) U.S. ICE Special Agent and that this complaint is based on the following facts: See Attachment "A".

Continued on the attached sheet and made a part of hereof: Yes No

Signature of Complainant

Sworn to before me and subscribed in my presence,

October 21, 2007
Date

At McAllen, Texas
City and State

Dorina Ramos, U.S. Magistrate Judge
Name & Title of Judicial Officer

Signature of Judicial Officer

On October 19, 2007, U.S. Immigration and Customs Enforcement (ICE) Special Agents assigned to the Office of the Assistant Special Agent in Charge in Harlingen, TX (ASAC HG), Rio Grande Valley Border Enforcement Security Taskforce (RGV BEST), received information regarding the suspicious purchasing of large amounts of ammunition at a retail store in Mission, Texas.

ICE Special Agents responded and conducted surveillance at an ammunition retail store located in Mission, Texas. During the surveillance, ICE Special Agents observed two females, later identified as Brenda CERDA and Erica SOTO, purchasing ammunition at the retail store in Mission, Texas. Agents observed CERDA and SOTO exiting the store parking lot and get into a white Chevrolet Malibu with Texas license plate 836-YNV, registered to Brenda CERDA. An investigative surveillance was conducted on the vehicle.

ICE agents observed CERDA and SOTO visit several ammunition retail stores in Mission and McAllen, Texas. While at these stores, CERDA and SOTO made several purchases of ammunition. After making these purchases, the two females went to a residence located at 213 Deanna Street in San Juan, Texas. Agents observed CERDA and SOTO meet with a Hispanic male, later identified as Noe Guadalupe CALVILLO. Agents witnessed the group unload several boxes from the white Malibu and take them inside the residence.

ICE Special Agents continued surveillance on CALVILLO'S residence. Agents observed CERDA and SOTO depart the Deanna Drive residence and drive to a Peter Piper Pizza located on 10th Street in McAllen, Texas. Agents also continued surveillance on CALVILLO. CALVILLO left his residence driving a gray Ford LTD with Texas license plate W58-SYJ.

NOTE: This vehicle (W58-SYJ) was seen on October 2, 2007 meeting with Rogelio GARCIA. GARCIA was arrested on October 4, 2007 as a result of an ICE illegal arms and ammunition export investigation. GARCIA has been charged with conspiracy to illegally export approximately 31,000 rounds of assault rifle ammunition from the United States to Mexico. On October 3, 2007, CALVILLO was seen meeting with GARCIA at GARCIA'S residence on Earling Road in Alamo, Texas. Agents witnessed several cases of ammunition being transferred from the Earling residence to CALVILLO'S vehicle. This ammunition was then transferred to other

vehicles that attempted to illegally export the ammunition from the U.S. to Mexico through the Hidalgo, Texas Port of Entry.

CALVILLO was followed to the Peter Piper Pizza on 10th Street in McAllen, Texas. There, CALVILLO was seen meeting with CERDA and SOTO. Shortly thereafter, all three subjects left the restaurant. CERDA and SOTO were followed to additional stores in the McAllen and Mission areas where they continued to purchase large amounts of ammunition.

CALVILLO was followed back to his residence on Deanna Street in San Juan. CALVILLO went inside his residence and stayed there for approximately one hour. Agents witnessed CALVILLO leave his residence again and drive to the Pharr, Texas area. ICE Special Agents contacted the Pharr Police Department and requested assistance in identifying the driver of the gray Ford LTD. Pharr Police Officers stopped the vehicle for driving with a broken tail light and identified CALVILLO as the driver. ICE Special Agents made contact with Pharr Police Officers during the traffic stop. ICE Agents identified themselves to CALVILLO and questioned him as to his right to be in the United States legally. CALVILLO admitted that he was a Mexican national present illegally in the U.S. CALVILLO was transported to Pharr Police Department Headquarters for questioning.

CALVILLO was read his Miranda rights by Special Agents David Cordova and Christopher Lobato. CALVILLO agreed to answer questions without the presence of an attorney. CALVILLO stated that an individual by the name of "Luis" had sent him \$2000 dollars in U.S currency to arrange for the purchase of ammunition in the McAllen and Mission, Texas areas. CALVILLO had recruited his friend Brenda CERDA to purchase the ammunition for him, since he is unable to purchase due to his illegal status in the United States.

CALVILLO stated that he had approximately 10,000 rounds of assorted ammunition at his residence on Deanna Street. ICE Special Agents requested consent from CALVILLO to search his home. CALVILLO agreed and signed a written consent form. ICE Special Agents searched CALVILLO'S home and found approximately 10,500 rounds of .40 caliber pistol ammunition, as well as a loaded Beretta 9mm pistol. ICE Special Agents also recovered approximately 10,000 rounds of 9 mm ammunition from CERDA'S vehicle.

CALVILLO stated that he was going to arrange for the transportation of the ammunition into Mexico. CALVILLO stated that CERDA and SOTO did not have any knowledge that the ammunition was going to be smuggled into Mexico. CALVILLO stated that he was going to call "Luis" later that day and make arrangements for the transport of the ammunition into Mexico. CALVILLO stated that the ammunition is immediately transferred to "Luis" once in Mexico.

CALVILLO admitted to being involved with the purchase and illegal export of ammunition on October 3, 2007. CALVILLO stated that he went to Rogelio GARCIA'S residence on the date and picked up several thousand rounds of assorted ammunition. CALVILLO stated that he then transferred that ammunition to another individual driving a maroon van, later identified as Juan Luis HERNANDEZ-Ramos, who then attempted to illegally export the ammunition from the United States to Mexico. HERNANDEZ was arrested at the Hidalgo, Texas Port of Entry on October 3, 2007 with approximately 9,560 rounds of assorted ammunition in his vehicle.