

United States District Court
Southern District of Texas
FILED

United States District Court

JAN 29 2010

SOUTHERN

DISTRICT OF
MCALLEN DIVISION

TEXAS

Clerk of Court

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

V.

1. Pablo LEYVA-Angiano
POB: Grand Rapids, Michigan
YOB: 1983 26 YOA
United States Citizen

CASE NUMBER:

M-10-546-M

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 January 28, 2010 in Starr county, in the Southern District of Texas defendant(s),

knowingly and willfully export and cause to be exported into the United Mexican States from the United States of America a defense article, that is, to wit: a Colt AR-15 A2 (#LGC046069) .223 caliber Assault Rifle, a Colt Law Enforcement Carbine (#LEO 71984) 5.56MM caliber Assault Rifle, a DPMS Panther Arms Model A-15 (#F182047) .223 caliber Assault Rifle, a CN Romarm SA/Cugir Model WASR-10/63 (#1975 FL 4795) 7.62 MM caliber Assault Rifle, Sig Sauer P225 (#M629308) 9MM caliber Semi automatic Pistol, 20 high capacity rifle magazines, and four pistol magazines; which were designated as defense articles on the United States Munitions List, 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, Section(s) 2778.

I further state that I am a(n) United States Immigration and Customs Enforcement Special Agent and that this complaint is based on the following facts:

SEE ATTACHMENT A

Continued on the attached sheet and made a part hereof:

X Yes No

*Approved to file
Terry L. Leonard
Asst U.S. Attorney*



Signature of Complainant
Erik Thelander, Special Agent
U.S. Immigration and Customs Enforcement

Sworn to before me and subscribed in my presence,

January 29, 2010
Date

at

McAllen, Texas
City and State

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

Dorina Ramos
Signature of Judicial Officer

ATTACHMENT A

Before the United States Magistrate Judge, Southern District of Texas, I, Erik Thelander, Special Agent, United States Immigration and Customs Enforcement (ICE), being duly sworn, depose and say the following:

On January 28, 2010, at approximately 8:15 P.M., United States Border Patrol (USBP) Agents (PA) on bike patrol duty near the Roma, Texas Port of Entry, observed two unidentified men approaching a white Mercury Grand Marquis sedan, bearing Texas BL5 F584, parked near the north end of Sebastian Street with its trunk lid open. The two men, who came out of the nearby brush, went to the trunk area and removed a large clear plastic trash bag, and ran back with the bag towards the Rio Grande River. The driver of the vehicle, later identified as Pablo LEYVA-Angiano, exited the vehicle and closed the trunk. LEYVA entered the vehicle and attempted to drive away from the area. A responding PA stopped the vehicle before it was left the area. PA secured LEYVA and asked for and received consent to search the vehicle. PA searched the inside of the vehicle and the trunk. Inside the trunk, PA observed a large black nylon carry-on luggage type bag, covered with clothes, lying in the trunk with a rifle barrel sticking out of the bag.

PA advised LEYVA of his Miranda Rights and LEYVA agreed to answer questions. LEYVA stated the two men were exporting approximately 30 bullet proof vests per bag to the United Mexican States via the Rio Grande River. There were two bags of bullet proof vests. LEYVA knew the bag with the weapons was in the trunk. LEYVA stated he was about to send the bag of guns to United Mexican States, but he received a phone call from an unidentified man telling LEYVA to close the trunk and leave the area. Inside the bag were the following items: one Colt AR-15 A2 Assault Rifle, one DPMS Panther Arms Model A-15 Assault Rifle, one Colt Law Enforcement Carbine Assault Rifle, CN Romarm AK-47 type Model WASR-10/63 Assault Rifle, one Sig Sauer P225 semi automatic pistol, four pistol magazines, and twenty high capacity rifle magazines. All of the rifles and magazines appeared to be in "new" condition. LEYVA, the vehicle, and the weapons were transported to the USBP Station in Rio Grande City, Texas.

ICE Special Agent C. Lobato, E. Thelander, and Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) SA N. Sheldon arrived at the USBP Station to assist USBP with the investigation. Pablo LEYVA-Angiano was read his Miranda Rights as per the Department of Homeland Security Miranda Rights Advisement form in the English language. The advisement was witnessed by SA Sheldon. LEYVA acknowledged his rights by signing a written waiver of those rights. LEYVA asked to speak with a lawyer upon the SA introducing themselves. Only biographical information was asked from LEYVA.

- While sitting in the interview room, LEYVA voluntarily stated he was doing this to buy something for his kids and it was his first time sending weapons across the river.