

# United States District Court

SOUTHERN

DISTRICT OF

TEXAS

FEB 25 2011

David J. Bradley, Clerk

UNITED STATES OF AMERICA

v.

## CRIMINAL COMPLAINT

Edgar Daniel ZAPATA YOB: 1980

Mexico

CASE NUMBER: M-11-0402-M

Jose Guadalupe REYES-Martinez YOB: 1963

Mexico

Jose David Arturo REYES-Lopez YOB: 1982

Mexico

Santos Isidro DE LA PAZ YOB: 1988

Mexico

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 February 23, 2011 in Hidalgo county, in the Southern District of Texas defendant(s) did, (Track Statutory Language of Offense)

knowingly and willfully export, attempt to export and cause to be exported into the United Mexican States from the United States of America a defense article, that is, to wit: one thousand eight hundred and two (1802) cartridges of .308 caliber ammunition, 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 & 22 C.F.R. 121.1, 123.1, 127.1, 127.3

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

Approved to file: Kimberley Ann Leo  
AUSA

[Signature]  
Signature of Complainant      Adrian Herrera – ICE Special Agent

Sworn to before me and subscribed in my presence,

February 25, 2011  
Date

At McAllen, Texas  
City and State

Peter E. Ormsby, U.S. Magistrate Judge  
Name & Title of Judicial Officer

[Signature]  
Signature of Judicial Officer

Attachment A

On February 23, 2011, U.S. Immigration and Customs Enforcement (ICE) Special Agents (SA's) assigned to the Harlingen, Texas, Rio Grande Valley Border Enforcement Security Taskforce (RGV BEST) and SA's from the Bureau of Alcohol, Tobacco, Firearms, & Explosives (ATF), responded to assist the McAllen Police Department Investigators who had approached two residences in McAllen, Texas after receiving a tip from the McAllen crime stoppers hotline.

McAllen Police Department Investigators encountered several subjects during a consent search at a residence located on I-J Avenue in McAllen, Texas, along with approximately one thousand eight hundred and two (1,802) cartridges of .308 caliber ammunition, and one (1) high caliber belt fed machinegun type firearm. McAllen Police Department Investigator Armando Garza requested assistance and advised ICE and ATF SA's that there were several possible undocumented aliens and Mexican citizen visa holders in possession of the aforementioned high caliber belt fed machinegun type firearm and ammunition at said residence.

McAllen Police Investigators, ICE, and ATF SA's interviewed all of the subjects encountered at the residence and discovered that Edgar Daniel ZAPATA (undocumented alien from Mexico), Santos Isidro DE LA PAZ (undocumented alien from Mexico), Jose Guadalupe REYES-Martinez (Mexican citizen visa holder), and Jose Arturo REYES-Lopez (Mexican citizen visa holder) were involved in a conspiracy to illegally export ammunition from the United States into Mexico.

ZAPATA, DE LA PAZ, REYES-Martinez, and REYES-Lopez were read and explained their Miranda Warnings individually. ZAPATA, DE LA PAZ, REYES-Martinez, and REYES-Lopez each stated that they understood their rights. ZAPATA, DE LA PAZ, REYES-Martinez, and REYES-Lopez all waived their rights and voluntarily provided the following statements without the presence of an attorney.

ZAPATA stated that he resides at the address where he was encountered by McAllen Police on I-J Avenue in McAllen, Texas. ZAPATA stated that he was involved in the business of illegally exporting ammunition from the United States into Mexico. ZAPATA stated that he purchased the aforementioned high caliber belt fed machine-gun type firearm from a friend for approximately \$9,000. ZAPATA stated that the aforementioned 1,802 cartridges of .308 caliber ammunition were destined for the Gulf Cartel Drug

Attachment A

Trafficking Organization (DTO) in Reynosa, Tamaulipas, Mexico. ZAPATA stated that REYES-Martinez and REYES-Lopez came to his residence for the sole purpose of obtaining the aforementioned ammunition and illegally exporting it to Mexico. ICE special agents asked ZAPATA if he knew it was illegal to export firearms and ammunition from the United States to Mexico without a license. ZAPATA stated that he knew it was illegal.

DE LA PAZ admitted that he has been working with ZAPATA illegally exporting ammunition from the United States into Mexico. DE LA PAZ stated that he has previously on several occasions assisted other co-conspirators in obtaining ammunition from ZAPATA's residence which was subsequently illegally exported into Mexico. DE LA PAZ stated that on February 23, 2011, he assisted REYES-Martinez and REYES-Lopez in obtaining the aforementioned 1,802 cartridges of ammunition and witnessed them attempt to load the cartridges in the Chevy pick-up truck in which they were traveling. DE LA PAZ stated that he and REYES-Lopez were standing near REYES-Martinez as REYES-Martinez packaged and concealed the aforementioned 1,802 cartridges of ammunition within a spare tire while inside the kitchen of the residence. DE LA PAZ stated that once the ammunition was concealed inside the spare tire, REYES-Lopez and REYES-Martinez then attempted to attach the spare tire to the undercarriage of their Chevy pick-up truck with the intent to illegally export the ammunition from the U.S. into Mexico. ICE special agents asked DE LA PAZ if he knew it was illegal to export firearms and ammunition from the United States to Mexico without a license. DE LA PAZ stated that he knew it was illegal.

Prior to the consensual search of the I-J Avenue residence, McAllen Police Department Investigators observed REYES-Lopez and REYES-Martinez attempting to attach the spare tire to a Chevy pick-up truck. McAllen Police Department Investigators stated that REYES-Lopez and REYES-Martinez suddenly desisted in attempting to attach the spare tire and departed the residence without the spare tire as if alerted to the presence of law enforcement. REYES-Martinez and REYES-Lopez were later detained by McAllen Police Officers during a traffic stop shortly after they departed the residence.

REYES-Martinez stated that he went to the residence with the sole purpose of picking up the aforementioned 1,802 cartridges of ammunition and

Attachment A

illegally exporting them to Mexico. REYES-Martinez stated that he was to be paid \$500.00 to deliver the ammunition to a man named "Jorge" in Reynosa, Tamaulipas, Mexico. ICE special agents asked REYES-Martinez if he knew it was illegal to export firearms and ammunition from the United States to Mexico without a license. REYES-Martinez stated that he knew it was illegal.

REYES-Lopez stated that he helped his father REYES-Martinez attempt to attach the spare tire to the undercarriage of the Chevy pick-up truck. REYES-Lopez stated that they came to the house to pick up the spare tire and fix the muffler on their Chevy pick-up truck. REYES-Lopez stated that he thought that there might be something concealed in the tire. REYES-Lopez stated that the tire was extremely heavy and that he thought it might contain drugs although he did not know what was in the tire.