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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION

FILED

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UNITED STATES OF AMERICA

v.

EDUARDO HINOJOSA a.k.a. "Lalo" (1)

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Cause No.: DR15-CR-469-AM
WESTERN DISTRICT OF TEXAS
CLERK OF COURT OFFICE

**SECOND SUPERSEDING
INDICTMENT**

CJ
DEPUTY

[Vio: Count 1 through 5: 18 U.S.C. § 554,
Aiding and Abetting Smuggling Goods
from the United States; Count 6: 18 U.S.C.
§ 922(d)(5)(B) and 924(a)(2), Transfer of
Firearm to Prohibited Person]

THE GRAND JURY CHARGES:

COUNT ONE

[Aiding and Abetting Smuggling Goods From the United States,
18 U.S.C. § 554(a) & 2]

On or about April 7, 2015, in the Western District of Texas, Defendant,

EDUARDO HINOJOSA a.k.a. "Lalo" (1)

did fraudulently and knowingly receive, conceal, buy, sell, and facilitate the transportation, concealment, and sale of merchandise, including one Weatherby .243 Rifle, serial number VB114791, which is a defense article as defined under the United States Munitions List, prior to exportation, knowing said merchandise to be intended for exportation, contrary to any law or regulation of the United States, in that the Defendant had not obtained a license or written authorization for such export, in violation of Title 22, U.S.C. §§ 2778(b)(2) & 2778(c) and Title 22, C.F.R. Part 121, 123, & 127, all in violation of Title 18, U.S.C. § 554(a) & 2.

COUNT TWO

[Aiding and Abetting Smuggling Goods From the United States,
18 U.S.C. § 554(a) & 2]

On or about April 7, 2015, in the Western District of Texas, Defendant,

EDUARDO HINOJOSA a.k.a. "Lalo" (1)

did fraudulently and knowingly attempt to export or send from the United States, merchandise, including one Weatherby .243 Rifle, serial number VB114791, which is a defense article as defined under the United States Munitions List, contrary to any law or regulation of the United States, in that the Defendant had not obtained a license or written authorization for such export, in violation of Title 22, U.S.C. §§ 2778(b)(2) & 2778(c) and Title 22, C.F.R. Part 121, 123, & 127, all in violation of Title 18, U.S.C. § 554(a) & 2.

COUNT THREE

[Aiding and Abetting Smuggling Goods From the United States,
18 U.S.C. § 554(a) & 2]

On or about April 7, 2015, in the Western District of Texas, Defendant,

EDUARDO HINOJOSA a.k.a. "Lalo" (1)

did fraudulently and knowingly attempt to export or send from the United States, merchandise, including one Beretta 12 gauge shotgun, serial number Z29671S, contrary to any law or regulation of the United States, in that the Defendant had not obtained a validated export license from the Department of Commerce, in violation of Title 50, United States Code, Appendix, § 2410(a), and Title 15, Code of Federal Regulations, Part 736.2, 764.2, 764.3(b) and 774.1, all in violation of Title 18, U.S.C. § 554(a) & 2.

COUNT FOUR

[Aiding and Abetting Smuggling Goods From the United States,
18 U.S.C. § 554(a) & 2]

On or about April 7, 2015, in the Western District of Texas, Defendants,

EDUARDO HINOJOSA a.k.a. "Lalo" (1)

did fraudulently and knowingly receive, conceal, buy, sell, and facilitate the transportation, concealment, and sale of merchandise, including .22, .22-250, .243, 7mm, .270, .30-06, .38, and

.380 caliber ammunition, which are defense articles as defined under the United States Munitions List, prior to exportation, knowing said merchandise to be intended for exportation, contrary to any law or regulation of the United States, in that the Defendant had not obtained a license or written authorization for such export, in violation of Title 22, U.S.C. §§ 2778(b)(2) & 2778(c) and Title 22, C.F.R. Part 121, 123, & 127, all in violation of Title 18, U.S.C. § 554(a) & 2.

COUNT FIVE

[Aiding and Abetting Smuggling Goods From the United States,
18 U.S.C. § 554(a) & 2]

On or about April 7, 2015, in the Western District of Texas, Defendants,

EDUARDO HINOJOSA a.k.a. "Lalo" (1)

did fraudulently and knowingly attempt to export or send from the United States, merchandise, including .22, .22-250, .243, 7mm, .270, .30-06, .38, and .380 caliber ammunition, which are defense articles as defined under the United States Munitions List, contrary to any law or regulation of the United States, in that the Defendant had not obtained a license or written authorization for such export, in violation of Title 22, U.S.C. §§ 2778(b)(2) & 2778(c) and Title 22, C.F.R. Part 121, 123, & 127, all in violation of Title 18, U.S.C. § 554(a) & 2.

COUNT SIX

[Transfer of Firearm to Prohibited Person,
18 U.S.C. § 922(d)(5)(B) and 924(a)(2)]

On or about April 7, 2015, in the Western District of Texas, Defendants

EDUARDO HINOJOSA a.k.a. "Lalo" (1)

knowingly disposed of, that is transferred a firearm, that is, Weatherby .243 Rifle, serial number VB114791, to GILY AJIN-CORDOVA, knowing and having reasonable cause to believe that GILY AJIN-CORDOVA was then an alien admitted to the United States under a non-immigrant visa, in violation of Title 18, United States Code, Sections 922(d)(5)(B) and 924(a)(2).

NOTICE OF UNITED STATES OF AMERICA'S DEMAND FOR FORFEITURE

See Fed. R. Crim. P. 32.2

I.

Smuggling Violations and Forfeiture Statutes

[Title 18 U.S.C. § 554(a) and Title 50 U.S.C. Appendix § 2410(a), subject to forfeiture pursuant to Title 18 U.S.C. § 981(a)(1)(C), and Title 22 §§ U.S.C. 2778(b)(2) and (c), subject to forfeiture pursuant to Title 22 § U.S.C. 401(a), both made applicable to criminal forfeiture by Title 28 U.S.C. § 2461]

As a result of the foregoing criminal violations set forth in Counts One through Five, the United States of America gives notice to Defendant EDUARDO HINOJOSA a.k.a. "Lalo" of its intent to seek the forfeiture of the property described below upon conviction pursuant to Fed. R. Crim. P. 32.2 and Title 18 U.S.C. § 981(a)(1)(C) (through Title 18 U.S.C. § 1956(c)(7)) and Title 22 U.S.C. § 401(a), both made applicable to criminal forfeiture by Title 28 U.S.C. § 2461, which state:

Title 18 U.S.C. § 981. Civil forfeiture

(a)(1) The following property is subject to forfeiture to the United States:

(C) Any property, real or personal, which constitutes or is derived from proceeds traceable to . . . any offense constituting "specified unlawful activity" (as defined in section 1956(c)(7) of this title), or a conspiracy to commit such offense.

Title 22 U.S.C. § 401. Illegal exportation of war materials

(a) Seizure and forfeiture of materials and carriers

Whenever an attempt is made to export . . . any arms or munitions of war or other articles in violation of law . . . any person duly authorized for the purpose by the President, may seize and detain such arms or munitions of war or other articles and may seize and detain any vessel, vehicle, or aircraft containing the same or which has been or is being used in exporting or attempting to export such arms or munitions of war or other articles . . . All arms or munitions of war and other articles, vessels, vehicles, and aircraft seized pursuant to this subsection shall be forfeited.

This Notice of Demand for Forfeiture includes but is not limited to the property described below in paragraph III.

II.

Firearms Violations and Forfeiture Statutes

[Title 18 U.S.C. §§ 922(d)(5)(B) and 924(a)(2), subject to forfeiture pursuant to Title 18 U.S.C. § 924(d)(1), made applicable to criminal forfeiture by Title 28 U.S.C. § 2461]

As a result of the foregoing criminal violations set forth in Count Six, the United States of America gives notice to Defendant EDUARDO HINOJOSA a.k.a. "Lalo" of its intent to seek the forfeiture of the property described below upon conviction pursuant to Fed. R. Crim. P. 32.2 and Title 18 U.S.C. § 924(d)(1), made applicable to criminal forfeiture by Title 28 U.S.C. § 2461, which states:

Title 18 U.S.C. § 924. Penalties

(d)(1) Any firearm or ammunition involved in or used in knowing violation of subsection . . . (g) . . . of section 922 . . . or knowing violation of section 924 . . . shall be subject to seizure and forfeiture . . . under the provisions of this chapter

This Notice of Demand for Forfeiture includes but is not limited to the property described below in paragraph III.

III.

Firearms:

Weatherby .243 Rifle, serial number VB114791;
Beretta 12 gauge shotgun, serial number Z29671S;

Ammunition:

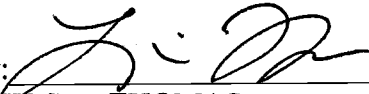
Winchester .22-250 Rem 45 grain – 3 boxes;
Winchester 7mm Rem – 1 box;
Fusion .270 Win – 1 box;
Monarch .270 Win – 2 boxes;
Remington 7mm – 2 boxes;
Remington .30-06 – 2 boxes;
Winchester .30-06 – 2 boxes;
Winchester .22-250 Rem 55 grain silver tip – 2 boxes;
Winchester .270 Win 150 grain – 3 boxes;
Federal 7mm Rem – 4 boxes;
Fusion .30-06 – 4 boxes;
Winchester .22-250 Rem 55 grain super X – 5 boxes;
Remington .380 auto – 1 box;
Target Rifle .22 – 2 boxes;

Winchester .243 Win silver tip 95 grain – 2 boxes;
Blazer .38 special – 2 boxes;
Winchester .243 Win Varmint X – 2 boxes;
Remington .22 ammo – 50 rounds;
Remington 12 gauge shells - 3 cases; and
Winchester .22-250 Rem Varmint X - 3 boxes.

A TRUE BILL.

FOREPERSON

RICHARD L. DURBIN, JR.
United States Attorney

By: 
LEWIS A. THOMAS
Assistant United States Attorney

SEALED:

UNSEALED: XX

**PERSONAL DATA SHEET
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION**

COUNTY: MAVERICK USAO#: 2015R05464 JUDGE: _____
DATE: September 15, 2015 MAG. CT. #: DR15-CR-469-AM FBI#: _____
AUSA: LEWIS THOMAS
DEFENDANT: EDUARDO HINOJOSA a.k.a. "Lalo"
CITIZENSHIP: United States
INTERPRETER NEEDED: YES Language: Spanish
DEFENSE ATTORNEY: John Hunter
ADDRESS OF ATTORNEY: 310 S. St. Mary's St - Ste 1840; San Antonio, TX 78205
DEFENDANT IS: DETAINED DATE OF ARREST: April 7, 2015
BENCH WARRANT NEEDED: NO
PROBATION OFFICER: N/A
NAME AND ADDRESS OF SURETY: N/A
YOUTH CORRECTIONS ACT APPLICABLE: NO
PROSECUTION BY: SECOND SUPERSEDING INDICTMENT.
OFFENSE: (Code & Description): 18 U.S.C. 554 & 2 (Aiding and Abetting Smuggling Goods from US); 922(d)(5)(B) and 924(a)(2) (Transfer of Firearm to Prohibited Person)
OFFENSE IS: FELONY.
MAXIMUM SENTENCE: Counts 1 through 6: Not more than 10 years imprisonment; a \$250,000 fine; up to 3 years of supervised release; and a \$100 special assessment.
PENALTY IS MANDATORY: YES & NO
REMARKS: See above.
W/DT-CR-3