

United States District Court
Southern District of Texas
FILED

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

JAN 17 2017

David S. Bradley, Clerk

UNITED STATES OF AMERICA

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§
§

v.

Criminal No. M-16-1612-S1

**JESUS MURILLO
RENE HERNANDEZ
FELIX HERNANDEZ**

SEALED SUPERSEDING INDICTMENT

THE GRAND JURY CHARGES:

COUNT ONE

On or about October 17, 2015, in the Southern District of Texas and within the jurisdiction of the Court, defendant,

JESUS MURILLO

who was then under indictment for a crime punishable by imprisonment for a term exceeding one year, namely, in the 400th District Court of Fort Bend County in Richmond, Texas, in cause number 15-DCR-069545, for Possession with Intent to Deliver a Controlled Substance, did knowingly and unlawfully receive a firearm, namely, a Kel-Tec, Model P3AT, .380 caliber pistol; a Rock Island Armory, Model M1911-A1 FS, .38 Super caliber pistol; a IO Inc., Model Sporter, 7.62 caliber rifle; and a Remington, Model 700, .308 caliber rifle, which had been shipped or transported in interstate or foreign commerce.

In violation of Title 18, United States Code, Sections 922(n) and 924(a)(1)(D).

COUNT TWO

On or about October 9, 2015, in the Southern District of Texas and within the jurisdiction of the Court, defendant,

JESUS MURILLO

in connection with the acquisition of a firearm, namely, three Romarm/Cugir WASR-10 7.62 caliber rifles, from Forza Armory, LLC, in Edinburg, Texas, a federally licensed firearms dealer under Chapter 44 of Title 18 of the United States Code, knowingly aided, abetted, counseled, commanded, or induced, or procured the commission of the making of a false and fictitious written statement to Forza Amory LLC, which statement was intended and likely to deceive Forza Amory, LLC as to a fact material to the lawfulness of the sale of the firearms under Chapter 44 of Title 18 of the United States Code, in that the defendant caused MARELLA SANDOVAL to falsely represent on the Bureau of Alcohol, Tobacco, and Firearms Form 4473 that she was the actual buyer of the firearm described above, when in truth and fact the defendant knew that those statements and representations were false and that MARELLA SANDOVAL was not the actual buyer of the firearm.

In violation of Title 18, United States Code, Sections 922(a)(6), 924(a)(2), and 2.

COUNT THREE

On or about September 4, 2015, in the Southern District of Texas and within the jurisdiction of the Court, defendant,

JESUS MURILLO

in connection with the acquisition of a firearm, namely, one TGI Sporter 75 7.62 caliber rifle caliber rifles, from Danny's Pawn & Sporting Goods, in McAllen, Texas, a federally licensed firearms dealer under Chapter 44 of Title 18 of the United States Code, knowingly aided, abetted, counseled, commanded, or induced, or procured the commission of the making of a false and fictitious written statement to Danny's Pawn & Sporting Goods, which statement was intended and likely to deceive Danny's Pawn & Sporting Goods as to a fact material to the lawfulness of

the sale of the firearms under Chapter 44 of Title 18 of the United States Code, in that the defendant caused MIGUEL CERVANTES to falsely represent on the Bureau of Alcohol, Tobacco, and Firearms Form 4473 that he was the actual buyer of the firearm described above, when in truth and fact the defendant knew that those statements and representations were false and that MIGUEL CERVANTES was not the actual buyer of the firearm.

In violation of Title 18, United States Code, Sections 922(a)(6), 924(a)(2), and 2.

COUNT FOUR

On or about September 4, 2015, in the Southern District of Texas and within the jurisdiction of the Court, defendant,

JESUS MURILLO

in connection with the acquisition of a firearm, namely, one American Tactical AK47 7.62 caliber rifle, from Forza Armory, LLC, in Edinburg, Texas, a federally licensed firearms dealer under Chapter 44 of Title 18 of the United States Code, knowingly aided, abetted, counseled, commanded, or induced, or procured the commission of the making of a false and fictitious written statement to Forza Amory LLC, which statement was intended and likely to deceive Forza Amory, LLC as to a fact material to the lawfulness of the sale of the firearms under Chapter 44 of Title 18 of the United States Code, in that the defendant caused MIGUEL CERVANTES to falsely represent on the Bureau of Alcohol, Tobacco, and Firearms Form 4473 that he was the actual buyer of the firearm described above, when in truth and fact the defendant knew that those statements and representations were false and that MIGUEL CERVANTES was not the actual buyer of the firearm.

In violation of Title 18, United States Code, Sections 922(a)(6), 924(a)(2), and 2.

COUNT FIVE

On or about September 4, 2015, in the Southern District of Texas and within the jurisdiction of the Court, defendant,

JESUS MURILLO

in connection with the acquisition of a firearm, namely, one Century Arms WASR-10 7.62 caliber rifle, from 44 Firearms, LLC, in McAllen, Texas, a federally licensed firearms dealer under Chapter 44 of Title 18 of the United States Code, knowingly aided, abetted, counseled, commanded, or induced, or procured the commission of the making of a false and fictitious written statement to 44 Firearms, LLC, which statement was intended and likely to deceive 44 Firearms, LLC as to a fact material to the lawfulness of the sale of the firearms under Chapter 44 of Title 18 of the United States Code, in that the defendant caused MIGUEL CERVANTES to falsely represent on the Bureau of Alcohol, Tobacco, and Firearms Form 4473 that he was the actual buyer of the firearm described above, when in truth and fact the defendant knew that those statements and representations were false and that MIGUEL CERVANTES was not the actual buyer of the firearm.

In violation of Title 18, United States Code, Sections 922(a)(6), 924(a)(2), and 2.

COUNT SIX

On or about September 4, 2015, in the Southern District of Texas and within the jurisdiction of the Court, defendant,

JESUS MURILLO

in connection with the acquisition of a firearm, namely, one American Tactical Import AT47 7.62 caliber rifle, from Glick Twins, in Pharr, Texas, a federally licensed firearms dealer under Chapter 44 of Title 18 of the United States Code, knowingly aided, abetted, counseled, commanded, or

induced, or procured the commission of the making of a false and fictitious written statement to Glick Twins, which statement was intended and likely to deceive Glick Twins as to a fact material to the lawfulness of the sale of the firearms under Chapter 44 of Title 18 of the United States Code, in that the defendant caused MIGUEL CERVANTES to falsely represent on the Bureau of Alcohol, Tobacco, and Firearms Form 4473 that he was the actual buyer of the firearm described above, when in truth and fact the defendant knew that those statements and representations were false and that MIGUEL CERVANTES was not the actual buyer of the firearm.

In violation of Title 18, United States Code, Sections 922(a)(6), 924(a)(2), and 2.

COUNT SEVEN

On or about September 4, 2015, in the Southern District of Texas and within the jurisdiction of the Court, defendant,

JESUS MURILLO

in connection with the acquisition of a firearm, namely, one Arsenal SAM7UF AT47 7.62 caliber rifle, from Resilient Defense Systems, in McAllen, Texas, a federally licensed firearms dealer under Chapter 44 of Title 18 of the United States Code, knowingly aided, abetted, counseled, commanded, or induced, or procured the commission of the making of a false and fictitious written statement to Resilient Defense Systems, which statement was intended and likely to deceive Resilient Defense Systems as to a fact material to the lawfulness of the sale of the firearms under Chapter 44 of Title 18 of the United States Code, in that the defendant caused MIGUEL CERVANTES to falsely represent on the Bureau of Alcohol, Tobacco, and Firearms Form 4473 that he was the actual buyer of the firearm described above, when in truth and fact the defendant knew that those statements and representations were false and that MIGUEL CERVANTES was not the actual buyer of the firearm.

In violation of Title 18, United States Code, Sections 922(a)(6), 924(a)(2), and 2.

COUNT EIGHT

On or about September 28, 2015, in the Southern District of Texas and within the jurisdiction of the Court, defendants,

**JESUS MURILLO
and
RENE HERNANDEZ**

in connection with the acquisition of a firearm, namely, one InterOrdinance AKM247C 7.62 caliber rifle , from Forza Armory, LLC, in Edinburg, Texas, a federally licensed firearms dealer under Chapter 44 of Title 18 of the United States Code, knowingly aided, abetted, counseled, commanded, or induced, or procured the commission of the making of a false and fictitious written statement to Forza Amory LLC, which statement was intended and likely to deceive Forza Amory, LLC as to a fact material to the lawfulness of the sale of the firearms under Chapter 44 of Title 18 of the United States Code, in that the defendant caused MIGUEL CERVANTES to falsely represent on the Bureau of Alcohol, Tobacco, and Firearms Form 4473 that he was the actual buyer of the firearm described above, when in truth and fact the defendant knew that those statements and representations were false and that MIGUEL CERVANTES was not the actual buyer of the firearm.

In violation of Title 18, United States Code, Sections 922(a)(6), 924(a)(2), and 2.

COUNT NINE

On or about September 28, 2015, in the Southern District of Texas and within the jurisdiction of the Court, defendants,

**JESUS MURILLO
and
RENE HERNANDEZ**

in connection with the acquisition of a firearm, namely, one Century Arms N-PAP M70 7.62 caliber rifle, from Danny's Pawn & Sporting Goods, in McAllen, Texas, a federally licensed firearms dealer under Chapter 44 of Title 18 of the United States Code, knowingly aided, abetted, counseled, commanded, or induced, or procured the commission of the making of a false and fictitious written statement to Danny's Pawn & Sporting Goods, which statement was intended and likely to deceive Danny's Pawn & Sporting Goods as to a fact material to the lawfulness of the sale of the firearms under Chapter 44 of Title 18 of the United States Code, in that the defendant caused MIGUEL CERVANTES to falsely represent on the Bureau of Alcohol, Tobacco, and Firearms Form 4473 that he was the actual buyer of the firearm described above, when in truth and fact the defendant knew that those statements and representations were false and that MIGUEL CERVANTES was not the actual buyer of the firearm.

In violation of Title 18, United States Code, Sections 922(a)(6), 924(a)(2), and 2.

COUNT TEN

On or about September 12, 2015, in the Southern District of Texas and within the jurisdiction of the Court, defendant,

RENE HERNANDEZ

in connection with the acquisition of a firearm, namely, one .308 caliber rifle, from Danny's Pawn & Sporting Goods, in McAllen, Texas, a federally licensed firearms dealer under Chapter 44 of Title 18 of the United States Code, knowingly made a false and fictitious written statement to Danny's Pawn & Sporting Goods, which statement was intended and likely to deceive Danny's Pawn & Sporting Goods as to a fact material to the lawfulness of the sale of the firearms under

Chapter 44 of Title 18 of the United States Code, in that the defendant falsely represented on the Bureau of Alcohol, Tobacco, and Firearms Form 4473 that he was the actual buyer of the firearm described above, when in truth and fact the defendant knew that those statements and representations were false and that he was not the actual buyer of the firearm.

In violation of Title 18, United States Code, Sections 922(a)(6), 924(a)(2), and 2.

COUNT ELEVEN

On or about September 28, 2015, in the Southern District of Texas and within the jurisdiction of the Court, defendant,

FELIX HERNANDEZ

in connection with the acquisition of firearms, namely, two IO Inc. 7.62 caliber rifles, from Forza Armory, LLC, in Edinburg, Texas, a federally licensed firearms dealer under Chapter 44 of Title 18 of the United States Code, knowingly made a false and fictitious written statement to Forza Armory, LLC, which statement was intended and likely to deceive Forza Armory, LLC, as to a fact material to the lawfulness of the sale of the firearms under Chapter 44 of Title 18 of the United States Code, in that the defendant falsely represented on the Bureau of Alcohol, Tobacco, and Firearms Form 4473 that he was the actual buyer of the firearm described above, when in truth and fact the defendant knew that those statements and representations were false and that he was not the actual buyer of the firearm.

In violation of Title 18, United States Code, Sections 922(a)(6), 924(a)(2), and 2.

NOTICE OF FORFEITURE
18 U.S.C. § 922(n)

Pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), the United States gives notice to defendants,

**JESUS MURILLO
RENE HERNANDEZ
and
FELIX HERNANDEZ**

that upon conviction of a violation of Title 18, United States Code, Sections 922(n) or 922(a)(6), all firearms and ammunition involved in said violation are subject to forfeiture, including but not limited to the following:

- 1 Kel-Tec, Model P3AT, .380 caliber pistol;
- 1 Rock Island Armory, Model M1911-A1 FS, .38 Super caliber pistol;
- 1 IO Inc., Model Sporter, 7.62 caliber rifle;
- 1 Remington, Model 700, .308 caliber rifle;
- 100 rounds of .38 Super caliber ammunition
- 19 rounds of .308 caliber ammunition
- 1 .38 Super caliber magazine

A TRUE BILL

FOREPERSON

KENNETH MAGIDSON
UNITED STATES ATTORNEY



ASSISTANT UNITED STATES ATTORNEY