

AO 91 (Rev. 08/09) Criminal Complaint

United States District Court
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT

for the
Southern District of Texas

FEB 26 2017

Clerk of Court

United States of America)
v.)
Jacobco Javier Garza-Solis)
YOB: 1994)
Citizenship: United States)

Case No. M-17-0378-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 24, 2017 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section
22 U.S.C. § 2778

Offense Description
Attempted Illegal Exportation of Defense Articles

This criminal complaint is based on these facts:

The defendant did knowingly and willfully 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: 1 firearm; 1 magazine; and 1,514 rounds of ammunition, which were designated as defense articles on the United States Munitions List, without first having obtained from the Department of State a license for such export or written authorization for such export.

Continued on the attached sheet.

Sean T. Greene

Complainant's signature

Sean T. Greene, HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 02/26/2017

Dorina Ramos

Judge's signature

City and state: McAllen, Texas

Dorina Ramos, U.S. Magistrate Judge

Printed name and title

Attachment A

On February 24, 2017, at approximately 7:15 p.m., Homeland Security Investigations (HSI) special agents (SAs) investigating recent suspicious purchases of ammunition observed an unidentified individual buy a large quantity of 7.62x39mm ammunition at a sporting goods store in Hidalgo County, Texas. SAs continued to surveil the buyer as he exited the store into the parking lot, where he loaded the ammunition into a gold Chevrolet Tahoe (hereinafter SUBJECT VEHICLE), that was occupied and driven by Jacobo Javier GARZA-Solis (hereinafter GARZA), a citizen of the United States and resident of Miguel Aleman, Tamaulipas, Mexico.

SAs continued surveillance of the SUBJECT VEHICLE and GARZA, and at approximately 8:53 p.m., GARZA drove the SUBJECT VEHICLE into the southbound lanes at the Hidalgo port of entry (POE) leading to Mexico. As GARZA neared the inspection area canopy, SAs observed that GARZA began to maneuver rapidly through heavy traffic. Once GARZA had passed the last turnoff and began to enter the inspection lanes, Customs and Border Protection officers (CBPOs) exited their shed and came into view beneath the inspection canopy where they positioned themselves in the lane occupied by GARZA. At that moment GARZA, in the SUBJECT VEHICLE, made an abrupt U-turn across the flow of traffic onto the shoulder of the road adjacent to the pedestrian lane. GARZA then accelerated and drove contraflow of the oncoming traffic until he made a westbound turn onto a side street. At approximately 2055 hours, SAs activated their emergency lights and sirens and pursued GARZA a short distance before conducting a traffic stop of the SUBJECT VEHICLE.

After GARZA had exited the SUBJECT VEHICLE he stated to SAs that he did not possess contraband or weapons. GARZA further stated that he was not attempting to smuggle anything and was not in possession of merchandise that he would have been required to report to the CBPOs. GARZA granted consent to search his vehicle.

SAs and CBPOs began to search the SUBJECT VEHICLE, at which point GARZA recanted his previous denial and stated that he did indeed have ammunition concealed beneath the quarter panels within the rear passenger area. SAs and CBPOS located one (1) .40 caliber Glock semiautomatic handgun (serial number: PDE953) that was charged with a magazine containing 14 rounds of ammunition; as well as approximately 1,500 rounds of 7.62x39mm ammunition.

SAs advised GARZA of his Miranda Rights in Spanish and he waived them in writing. GARZA then stated that he departed his residence in Mexico and entered the United States earlier that same day with the intent to acquire the firearm and the ammunition and smuggle those items into Mexico. GARZA stated that he was aware that it was illegal to smuggle munitions from the United States. GARZA stated that he was aware that it was possible to obtain a license from the United States State Department to legally export firearms and ammunition. GARZA stated that he did not possess a license to export defense articles nor had he ever applied for such a license. GARZA stated that he concealed those weapons within his vehicle to avoid detection by law enforcement. GARZA stated that he attempted to flee when he saw the CBPOs because he feared being found with the weapons and arrested. Garza stated that he had smuggled ammunition into Mexico on approximately three previous occasions.